

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-9429 of 2016

Date of Decision: December 14, 2016

Kamaljit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CRM-M-42360 of 2015

Pankaj @ Panku

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. N.K. Joshi, Advocate
for the petitioner in (CRM-M-9429 of 2016).

Mr. Vivek Thakur, Advocate
for the petitioner in (CRM-M-42360 of 2015).

Mr. P.S. Paul, DAG, Punjab.

Mr. H.S. Randhawa, Advocate
for the complainant.

FATEH DEEP SINGH, J.

The above detailed two applications both under Section 439 Cr.P.C. are preferred by petitioner Kamaljit Singh (hereinafter referred as first petitioner) and another by petitioner-Pankaj @ Panku (hereinafter

referred as second petitioner). The allegations against the petitioners are that on 27.7.2013 around night time the complainant Madan Chopra heard shrieks of his brother Manoj Kumar @ Deepa, who was coming running followed by Raj Kumar @ Raja and Poppi the latter armed with pistol followed by Gurpreet Singh @ Gopi armed with *dattar* and the mob was being instigated by Gurpreet Singh @ Gopi and Poppi and that Vicky armed with pistol, Pankaj @ Panku, Jagga, Sunny @ Bhura @ Sarabjit Singh, Sukha @ Katta and Arzoo armed with *dattars* and baseballs encircled the brother of the complainant and gave him injuries and when father of the complainant Vijay Kumar intervened he was manhandled by Pankaj @ Panku leading to his death. Vicky has fired a shot from his pistol, whereas, Gurpreet Singh @ Gopi has given blow from his *dattar*.

Learned counsel for the petitioner Kamaljit Singh contended that this petitioner has not been named in the FIR and it is only after 4.9.2013 his name has cropped up and he was arrested subsequently on 4.11.2013 and that no role is attributed to him in the commission of offence. It is argued by Mr. Thakur, learned counsel for the petitioner Pankaj @ Panku that the petitioner has only been attributed a push and there are no external injuries to corroborate any allegation against him and that he is in custody since 4.9.2013 and has sought prayer in question by placing reliance on ratios laid down in **1999(2) R.C.R (Criminal) 506 Charanjit Singh vs. State of Haryana** and **(2003) 12 SCC 186 Bal Krishna Pandey @ Vidur vs. State of U.P.**

Learned State counsel assisted by Mr. H.S. Randhawa, learned counsel for the complainant has submitted that the bail applications

of Shrivesh Jain @ Babla Jain, Anig Jain, Arjoo Anand, Vikram Sheel, Madan Chopra @ Makhan, Sarvesh Jain, Asha Rani, Arzoo Anand and Amarjit Singh @ Kala have already been declined by this Court including that of Pankaj @ Panku, whose earlier two bail applications have been dismissed and, thus, no fresh ground is made out and that with a view to desist the complainant side to testify against the accused false cases have been registered against the complainant and has detailed the cases to this effect and has also placed on record printouts of Internet Facebook account whereby, petitioners while in custody have been given VIP treatment and had threatened the complainant party to highlight the fact that if the petitioners are allowed bail there is every likelihood that they will influence the witnesses who are to testify during the trial and has cited ratios in **2008(1) Crimes 274 Gobarbhai Naranbhai Singla vs. State of Gujarat and others** and **2010(2) RCR (Criminal) 566 Dalip Singh @ Deepa vs State of Punjab.**

Appreciating the submissions, learned counsel for the petitioner Pankaj @ Panku could not convince this Court what fresh ground is made out necessitating consideration of bail of this petitioner. Neither learned counsel could impress this Court to that effect that the name of the petitioner has cropped up subsequently and the entire prosecution story is reflective of a mob mentality and apparently a gang warfare and that some of the persons have been subsequently identified is no ground to accept the submissions of the learned counsel for the petitioner Kamaljit Singh. The delay in the trial is not attributable to the complainant side as is reflected from the records of the Court below nor is a reasonable ground for grant of

bail. Having regard to what has been brought to the notice of this Court there are reasonable grounds that if allowed bail to the petitioners they might have influence the witnesses, besides, creating law and order problem. The ratios cited by learned counsel for the petitioners do not come to the aid of the petitioner by any means and that the trial is at fag end and apprehension of the State that if allowed bail the petitioners would influence remaining witnesses is not unfounded impels this Court to dismiss both the applications.

Ordered accordingly.

(FATEH DEEP SINGH)
JUDGE

December 14, 2016

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No