

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-1044 of 2017
Date of Decision: 02.05.2017

Sukhdeep Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Arshdeep Singh Brar, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 10 dated 05.02.2016 registered for the offence punishable under Section 302 read with Section 34 of Indian Penal Code (for short, "IPC") at Police Station Samalsar, District Moga.

Heard.

Learned State counsel submits that instant FIR was registered at Police Station Samalsar, District Moga against petitioner-Sukhdeep Singh and one Iqbal Singh @ Bahla but after investigation, the police found petitioner-Sukhdeep Singh as innocent and presented challan against Iqbal Singh @ Bahla only. However, learned Magistrate committed the case for trial of both the accused including petitioner and thereafter, learned trial Court vide order dated 14.06.2016 found sufficient evidence on record to proceed against the petitioner for offence punishable under Section 302 read with Section 34 IPC and framed the charge against him. Learned State

counsel further submits that in this case 18 injuries were caused to deceased-Sukhpreet Singh and Iqbal Singh, who being handicapped person, could not cause so many injuries to deceased, who was a young boy. The petitioner had called deceased-Sukhpreet Singh to the place of incident by making call on his mobile phone. The case is based on eye-witness account but the police without any basis has submitted the challan with the observation that the petitioner was innocent, as such, he is not entitled to regular bail in this case.

Case of prosecution is based on eye-witness account. Manjit Kaur, mother of the deceased, and Sukhwinder Singh, her husband had seen that petitioner-Sukhdeep Singh had caught hold of deceased-Sukhpreet Singh and Iqbal Singh @ Bahla was inflicting *kirch* blow on him. When the matter was enquired from deceased-Sukhpreet Singh, he told about his monetary dispute with Iqbal Singh @ Bahla and petitioner-Sukhdeep Singh, who had caused him injuries. Thereafter, he became unconscious and was taken to Kotkapura hospital in ambulance but died on the way.

Petitioner-Sukhdeep Singh was arrested on 15.02.2016 but the police declared him innocent. At this stage, I agree with learned State counsel that police has no material available with it for discarding statements of complainant and eye-witness, who have specifically named the petitioner. Even the deceased had disclosed that injuries were caused to him by Iqbal Singh @ Bahla and petitioner-Sukhdeep Singh. The case is at initial stage. Release of petitioner-Sukhdeep Singh at this stage will have adverse impact on prosecution case as he may allure or win over prosecution witnesses.

On the last date i.e. 02.03.2017, order passed by learned

Additional Sessions Judge dated 14.06.2016 was not disclosed, which led to allowing interim bail to petitioner-Sukhdeep Singh. I find this to be a concealment of material fact by the petitioner to misguide this Court.

Keeping in view the above facts, instant petition has no merit and the same is dismissed. Interim bail allowed to petitioner-Sukhdeep Singh vide order dated 02.03.2017 is withdrawn and he is ordered to be taken into custody.

May 02, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No