

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

CRM-M No.32307 of 2017

Date of decision: 30th October, 2017

Kamaljit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. SPS Sidhu, Advocate for the petitioner.

Mr. Karambir Singh, Asstt. Advocate General, Punjab
for the respondent/State.

Mr. P.S. Ahluwalia, Advocate for the complainant.

FATEH DEEP SINGH, J.

Allegations against the petitioner Kamaljit Singh, an accused in FIR No.167 dated 28.07.2013 under Sections 302/148/149 IPC and Section 25/54/59 of the Arms Act pertaining to Police Station Kapurthala, District Kapurthala, in this regular bail application under Section 439 Cr.P.C. are that on 27.07.2013 when complainant Madan Chopra heard cries of his brother Manoj Kumar @ Deepa, he came out and saw that his brother was being assaulted with deadly weapons by accused Raj Kumar @ Raja, Popi (both armed with pistols) and Gurpreet Singh @ Gopi (armed with datar) along with others who all were being instigated by Gurpreet Singh @ Gopi and Popi. Accused Vicky along with Panku @ Pankaj Kumar, who were armed with pistols, Sunny @ Bhura @ Sarabjit Singh, Sukha @ Katta and Arzoo, who all were armed

with dattars and baseball bats, had encircled brother of the complainant and repeatedly assaulted him resulting in his death and on intervention by the complainant and his father Vijay Kumar, they too were manhandled and Vijay Kumar father of the complainant also succumbed to his injuries. Firearm injuries are also attributed to Pankaj Kumar @ Panku, leading to arrest and detention of the petitioner on 04.11.2013.

Contentions of learned counsel for the petitioner Mr. SPS Sidhu, Advocate are that there is inordinate delay between the occurrence and registration of the FIR and that neither the petitioner was named in the FIR and subsequently his name has come about and no role is specifically attributed to him and that the trial is not likely to conclude in the near future.

On behalf of the complainant Mr.P.S. Ahluwalia, Advocate assisting learned State counsel Mr. Karambir Singh, Asstt. Advocate General, Punjab, have opposed grant of bail to the petitioner on the grounds that he belongs to a gang who have been instrumental in two murders and are not allowing the trial to proceed, as after framing of charges when the prosecution evidence is sought to be recorded, one or the other accused surrenders before the Court and has virtually jeopardized the trial, and have placed on record documents taken from the facebook to show that even as on date the petitioner is attempting to intimidate the witnesses and there is every likelihood of the prosecution witnesses being again murdered and it is the trial which will ultimately be jeopardized by this intentional act of the petitioner.

Going through the submissions of the two sides, this Court through a detailed order dated 14.12.2016 has earlier declined bail application of the present petitioner and Pankaj @ Panku wherein this Court has observed likelihood of the petitioner side intimidating the witnesses and circumventing due administration of justice. The records of the Court below are testimony to the fact as to how the trial is being circumvented as every time one or the other accused, as has been argued by learned counsel for the complainant, puts in appearance before the Court and the same leads to virtual retrial and thus, no benefit can be derived by the petitioner from this delay in the trial which is attributed to the accused side. No fresh ground could be canvassed before this Court by the petitioner side and rather the Court feels that allowing bail to the petitioners would lead to more bloodshed as it is apparently a gang warfare at play. Thus, finding no merit in the present petition the same stands dismissed.

Before parting, this Court in exercise of its powers under Section 482 Cr.P.C. deems it imperative to issue directions to the trial Court to expedite the trial and ensure due witness protection during the trial to thwart any such mischief.

(FATEH DEEP SINGH)
JUDGE

October 30, 2017

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No