

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

CRM-M-41292 of 2016

Date of Decision: April 24, 2017

Amir

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Ashish Gupta, Advocate
for the petitioner.

Mr. Gurveer Sidhu, AAG, Punjab.

FATEH DEEP SINGH, J.

The allegations against the petitioner in this regular bail application under Section 439 Cr.P.C are that on 30.04.2016, complainant who is an employee with one Rakesh Kumar @ Happy of M/s Om Jewellers, Patiala was present when two youths, one with masked face and another otherwise entered the shop to commit robbery and one of them fired with his pistol hitting Rajesh Kumar @ Happy, the latter received injuries and as a personal defence took out his weapon from his drawer and shot at the intruders hitting the masked person who was rushed to the Hospital and subsequently died.

It is *inter alia* argued by the learned counsel for the petitioner that the injured has since been discharged from the Hospital and that it is a case of version and cross-version as one of the alleged friend/accomplice of the petitioner had died and subsequently at belated

stage case of self defence has sought to be made out by the prosecution and that no role is attributed to the petitioner in commission of offence.

The bail application is sought to be opposed by learned State counsel on the grounds that it is a case of attempt to robbery and own stand of the defence corroborates the same and since the petitioner is one of the robbers and in the encounter between the two sides led to his death and injuries to the complainant side and that the trial is at the fag end and specific allegations have come about against the petitioner.

Appreciating the submissions, the fact that the petitioner is admittedly a resident of Delhi and learned counsel for the petitioner could not convince this Court how come and by what means the petitioner happens to be at Patiala at the shop of the complainant. The fact that the owner of the complainant too has received gun shot injury and, thus, the element of self defence is subject matter of trial. The prima facie allegations, heinousness of the offence and the Courts being tools of social justice as well as to ensure that such ever rising crimes are put to an end impels this Court to dismiss the present application for grant of bail to the petitioner.

Dismissed.

Records of the trial Court be sent back.

(FATEH DEEP SINGH)
JUDGE

April 24, 2017
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No