

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-2250 of 2018

Date of Decision: March 12, 2018

Gurjinder Singh @ Ginda

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. R.S. Mamli, Advocate
for the petitioner

Mr. Amandeep S, Gill, Sr. DAG Punjab

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Sudhir Mittal, J. (Oral)

The petitioner seeks regular bail in case FIR No. 124 dated 01.07.2017, registered at Kotwali, Patiala District Patiala under Sections 302, 307, 201, 148, 149 IPC and Section 3 of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Learned counsel for the petitioner contends that according to the FIR and as per the statements of the witnesses, the petitioner was empty handed and has not been attributed any particular injury to either deceased or the injured person. The only role attributed to him is that he caught hold of the deceased person by his arms which facilitated inflicting of injury upon him, which ultimately caused his death.

On the other hand, learned State counsel submits that since the petitioner caught the deceased by his arms, he deprived him of the opportunity to defend himself. The act of the petitioner enabled the co-accused to cause the death of the deceased by one strike of his weapon, which was knife.

It is not in dispute that the petitioner was empty handed but keeping in view the role attributed to him, it has to be held that he facilitated inflicting of an injury on the deceased and, thus, causing his death. The offence is very

serious and, therefore, the petitioner is not entitled to the concession of regular bail.

The petition is dismissed at this stage.

However, the petitioner is at liberty to move a fresh application, if the circumstances of the case, so dictate.

March 12, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No