

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-31749-2018

Date of decision: 20.11.2018

Sikander Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Vivek Goel, Advocate for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

Mr. GS Brar, Advocate for the complainant.

RAMENDRA JAIN, J. (ORAL)

Status report by way of affidavit of Sh. Manvinderbir Singh, PPS, Deputy Superintendent of Police, Sub Division, Kotkapura, District Faridkot, filed by learned State counsel is taken on record. Be tagged at the appropriate place.

Through this petition under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner, in case FIR No. 89 dated 10.08.2017 registered under Sections 307, 336, 341, 324, 148 and 149 IPC and Sections 25 and 27 of the Arms Act (Sections 302, 120-B, 201 read with Section 34 IPC and Section 29 of the Arms Act, added later on) at Police Station Bajakhana, District Faridkot.

According to the prosecution, petitioner is facing trial in the aforesaid FIR for committing murder of Major Singh, brother of complainant-Harbans Singh.

Learned counsel *inter alia* contends that petitioner was not named in the FIR. His name cropped up during investigation as owner of three licenced weapons which were used by co-accused, namely; Jaspal Singh @ Nikka, Jaskirat Singh @ Jassi-son of the petitioner and one Roop Singh, in commission of crime. Weapons of the petitioner were not used in any other commission of crime. Petitioner is in custody for the last one year.

On the other hand, learned counsel for complainant vehemently opposing the submissions of learned counsel for the petitioner, contends that the petitioner owns three weapons i.e. (i) revolver, (ii) .315 bore revolver and (iii) .12 bore rifle. The said weapons were used in commission of crime. Complainant-Harbans Singh, has specifically named him as one of the accused, as he was also accompanying the main accused being conspirator to commit the murder of Major Singh.

Considering the above factual aspect and the fact that the petitioner has been specifically named by the complainant, he does not deserve the concession of regular bail.

Dismissed.

November 20, 2018

rishu

**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No