

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-31953 of 2017 (O&M)

Date of Decision: 23.01.2018

Lucky Kumar @ Billa

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. L.S. Sidhu, Advocate for the petitioner.

Mr. S.S. Sandhu, A.A.G., Punjab.

Mr. Hakam Singh, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J (Oral)

Petitioner is seeking regular bail in case F.I.R. No.233 dated 4.12.2016 under sections 304, 336 I.P.C and section 25 of Arms Act, registered at Police Station, Maur, District Bathinda.

Learned counsel for the parties have been heard.

Allegations against the petitioner are that during a marriage celebration he had fired from a .12 bore gun after taking the same from a co-accused and which hit a dancer and who died at the spot.

Counsel for the petitioner, during the course of arguments today makes a statement that he is not pressing the instant petition.

Present petition, as such, is dismissed as not pressed.

There is however another aspect of the matter.

On a previous date of hearing i.e. on 4.9.2017 a Coordinate Bench of this Court had taken notice of the fact that a report had been submitted by the Superintendent of Police (Investigations), Bathinda and in pursuance to which offence under Section 304-A I.P.C and sections 27, 30 of the Arms Act were cited and sections 302, 148, 149 I.P.C and section 25

of Arms Act were to be deleted. Under such circumstances the concerned Superintendent of Police (Investigations), Bathinda was directed to file an affidavit to disclose the basis of having furnished such a report.

In pursuance to the directions issued by this Court, an affidavit dated 31.10.2017 of Sh.Bikramjit Singh, PPS, Superintendent of Police (Hq), Ferozepur and the then Superintendent of Police (Investigations), Bathinda has been filed and placed on record.

Contents of the affidavit have been perused. Suffice it to observe that the affidavit does not inspire confidence and prima facie indicates of a partisan role being played by the investigating agency. This Court would desist from observing any further.

The instant petition is dismissed as not pressed with liberty to the complainant party to move an appropriate application before the Trial Court seeking amendment of the charge.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

23.01.2018

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No