

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

(i) CRM No.M-44228 of 2017 (O&M)

Kuldeep Singh @ Babu

...Petitioner

VERSUS

State of Punjab

...Respondent

(ii) CRM No.M-3786 of 2018 (O&M)

Gurcharan Singh @ Charan Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

(iii) CRM No.M-24834 of 2018 (O&M)

Gurwinder Singh @ Goldy

...Petitioner

VERSUS

State of Punjab

...Respondent

Date of Decision: July 06, 2018

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Ivneet Singh Pabla, Advocate
for the petitioner (in CRM No.M-44228 of 2017).

Mr.Robin Dutt, Advocate for
Mr.Arinder Arora, Advocate
for the petitioner (in CRM No.M-3786 of 2018).

Mr.Manoj Pundir, Advocate

for the petitioner (in CRM No.M-24834 of 2018).

Mr.Ramandeep Sandhu, Sr. Deputy Advocate General, Punjab
for the respondent-State.

Mr.K.P.S.Virk, Advocate
for the complainant.

INDERJIT SINGH, J.

All the above-mentioned cases are taken up together as the same have arisen from same FIR.

Petitioners Kuldeep Singh @ Babu and Gurcharan Singh @ Charan Singh have filed CRM No.M-44228 of 2017 and CRM No.M-3786 of 2018 respectively under Section 439 Cr.P.C. for grant of regular bail whereas petitioner Gurwinder Singh @ Goldy has filed CRM No.M-24834 of 2018 for grant of anticipatory bail in case FIR No.10 dated 21.02.2017 under Sections 302, 323, 324, 148, 149, 201 and 120-B IPC, registered at Police Station Banur, District Patiala.

Notice of motion was issued. Learned State counsel as well as learned counsel for the complainant appeared and contested the petitions.

Learned counsel for petitioner Kuldeep Singh @ Babu contended that the complainant said in the Court that he has not seen the occurrence, therefore, he argued that petitioner Kuldeep Singh @ Babu is entitled to benefit of regular bail. Similar is the argument of learned counsel for petitioner Gurcharan Singh @ Charan Singh. He further argued that petitioner Gurcharan Singh @ Charan Singh has caused injury to the injured and not to the deceased. Learned counsel for petitioner Gurwinder Singh @ Goldy contended that Gurwinder Singh @ Goldy was found

innocent during investigation, no role is attributed to him in the FIR and now, he has been summoned under Section 319 Cr.P.C. and, therefore, he is entitled to grant of anticipatory bail.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that in the present case, Rinku is injured, who got recorded his statement under Section 161 Cr.P.C. The presence of Rinku on the spot cannot be disputed being injured witness. Rinku in his statement under Section 161 Cr.P.C. stated that Kuldeep Singh @ Babu gave kirch blow to the deceased and he is the main accused. Similarly, Rinku stated that Gurcharan Singh @ Charan Singh was armed with Axe and he gave injury on his left leg. He also stated in his statement that Gurcharan Singh @ Charan Singh caught hold the deceased when Kuldeep Singh @ Babu gave kirch blow.

Keeping in view the role attributed to petitioners Kuldeep Singh @ Babu and Gurcharan Singh @ Charan Singh and the fact that they have actively participated in the commission of offence of murder and caused injuries to Rinku, I do not find it a fit case where these two petitioners are entitled for benefit of regular bail.

As regarding petitioner Gurwinder Singh @ Goldy, I find that injured Rinku got recorded his statement under Section 161 Cr.P.C. and as per him, Gurwinder Singh @ Goldy was armed with screw driver and he gave injury on the back of the neck of deceased, which injury has been shown in the post mortem examination report at serial no.5. In view of the role attributed to petitioner Gurwinder Singh @ Goldy, I do not find any

ground to grant anticipatory bail to him.

Resultantly, all the petitions stand dismissed.

However, nothing stated above, shall constitute my opinion on merits of the case.

July 06, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No