

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

CRM-M No.45404 of 2017

Date of decision : 14.05.2018

Baldev Singh

.....Petitioner

Versus

State of Punjab

...Respondents

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Dhirinder Chopra, Advocate for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

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DAYA CHAUDHARY, J.

Petitioner Baldev Singh has approached this Court by way of filing present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.25 dated 26.03.2016 registered under Sections 302, 307, 34 of the Indian Penal Code, 1860 (hereinafter referred to as 'the IPC') and also under Sections 323, 324, 325, 326, 148, 149, 120-B IPC (which were added later on) at Police Station Barnala. The FIR was registered on the basis of complaint made by Bhura Singh.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case and just to make the case foolproof, the motorcycle was planted on co-accused Harpreet Singh and baseball on the petitioner. The alleged recovery has been shown to be effected on the basis of statement made by the petitioner and the co-accused. Learned

counsel also submits that none of the injuries found on the person of deceased Baljit Singh was caused by blunt weapon like baseball. All family members of Veerpal Kaur have been implicated. Learned counsel also submits that as per version of complainant Bhura Singh, there were only two assailants *i.e.* Bhola Singh, who was armed with a Kirch and the other unknown person was armed with baseball. As per the complainant, the petitioner was armed with baseball but as per version of injured Veerpal Kaur, the petitioner was armed with a rifle. The contrary stand has been taken. Learned counsel submits that the petitioner is in custody since 29.03.2016 and no evidence has been collected to connect the present petitioner with the occurrence and trial may take long time to conclude.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner and he also submits that it is a case of honour killing as Veerpal Kaur, the daughter of Bhola Singh performed marriage with Baljit Singh against their wishes and petitioner Baldev Singh is brother of Bhola Singh. He was member of unlawful assembly and suffered disclosure statement vide which the recovery of baseball was effected. Learned State counsel also submits that as per the post-mortem report, the blunt injury was on the head of deceased Baljit Singh and the petitioner does not deserve concession of bail. Learned State counsel also submits that not only the offence is serious in nature but even statements of injured and eye-witness have not been recorded and there is possibility that in case the petitioner is released on regular bail, he may influence the witnesses.

Heard arguments of learned counsel for the petitioner as well as learned State counsel.

The FIR was registered on the basis of statement of complainant Bhura Singh. The autopsy of deceased Baljit Singh was conducted at the Civil Hospital, Barnala on 26.03.2016 and two injuries were found on his person. One injury was on left occipital area and injury wound was there of 4 x 3 x 5 c.m. in size. Second injury was on the left ear. A perusal of post-mortem report of deceased Baljit Singh shows that there was an injury on his head. Witness Veerpal Kaur was also examined after summoning of additional accused under Section 319 Cr.P.C. and her cross-examination was deferred on the request of the defence counsel. Eye witness has not been examined so far. It has also been mentioned in the order passed by the lower Court while declining bail that as per stand of Additional Public Prosecutor, it was a case of honour killing as Veerpal Kaur the daughter of Bhola Singh performed marriage with Baljit Singh against their wishes and petitioner Baldev Singh is real brother of Bhola Singh. He was member of unlawful assembly and suffered disclosure statement. On the basis of said disclosure statement, the recovery of baseball was effected and said baseball was used in commission of murder of Baljit Singh. It has also come in the post-mortem report that injury by blunt weapon was there on the head of deceased Baljit Singh. Only two witnesses have been examined and some material witnesses are still to be examined.

Keeping in view the seriousness of offence and the stage of the

trial, the petitioner does not deserve to be released on regular bail. He may influence the witnesses in case he is released on bail. The nature and gravity of offence is a relevant factor which is to be taken into consideration. Not only the seriousness of offence but the possibility of accused absconding or fleeing is also a relevant factor which is also to be taken into consideration.

Accordingly, in view the facts and circumstances of the case and seriousness of the offence, no ground is made out to release the petitioner on bail.

Dismissed.

14.05.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No