

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

CRM M-47908 of 2017

Date of decision : 12.03.2018

Sukhwinder Singh @ Gaggi @ Gaggandeep Singh @ Gaggi

....Petitioner

V/s

State of Punjab

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Mohit Sadana, Advocate for the petitioner.

Mr. A.A. Pathak, Additional A.G. Punjab.

RAJAN GUPTA J.

This is a petition under section 439 Cr.P.C. seeking regular bail in a case registered against the petitioner under sections 302, 323, 148, 149 IPC vide FIR No. 94 dated 11.10.2016 at police station Sadar Sherpur, district Sangrur. Learned counsel for the petitioner submits that main injury leading to death of Harkishan Singh is not attributed to the petitioner. Besides, petitioner was not present at the spot at the time of incident. He was away to Nihal Singhwala district Moga. Learned State counsel has, however, opposed the plea. According to him, petitioner also caused injuries to Gamdoor Singh and at the back of Narain Singh with the stick (Sotta). According to him, petitioner is not entitled to concession of bail.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

FIR was lodged on the complaint of Gamdoor Singh. He alleged that main accused Karamjit Singh alongwith his accomplices has attacked the complainant side. He specifically alleged that Sukhwinder

Singh (petitioner herein) had inflicted stick blows to Narain Singh and Gamdoor Singh. Gamdoor Singh has deposed as a witness by the prosecution while Narain Singh is yet to be examined. Stand of the State is that motive is attributed to the petitioner. As regards plea of alibi taken by the petitioner in the bail application, no opinion can be expressed on the same at this stage. Same can be examined on the basis of evidence to be led before the trial court. Under the circumstances, no case for enlarging the petitioner on bail is made out. Dismissed.

March 12, 2018

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No