

CRM-M-54279-2018

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

CRM-M-54279-2018

Date of Decision: 13.12.2018

Charanjit Singh alias Kala

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Vinod K. Kataria, Advocate,
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

INDERJIT SINGH, J.

Petitioner has filed this second petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.10 dated 21.02.2017, registered at Police Station Banur, District Patiala, under Sections 302, 324, 323, 148, 149, 201 and 120-B of IPC.

Notice of motion has been issued in this case. Learned State counsel has put in appearance on behalf of the respondent-State and contested this petition.

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

Counsel for the petitioner stated that the present petitioner was not present at the spot at the time of occurrence, rather he was admitted in the hospital and there was already FIR No.09/2017, got registered by him

under Sections 323, 341, 506 and 34 of IPC.

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Perusal of FIR No.09/2017 shows that it is only under Sections 323, 341, 506 and 34 of IPC which was got registered by the present petitioner. However, at the same time, FIR No.10/2017 has been got registered under Sections 302, 324, 323, 148 and 149 of IPC against the accused including the present petitioner. The present petitioner is named in the FIR and is stated to be armed with a chain of motor-cycle. As per the allegations, the present petitioner had put the chain of motor-cycle to the neck of Varinder Singh @ Rinku and put him down towards the earth and then Charan Singh hit with axe to Varinder Singh @ Rinku. As per FIR, active role has been played by the present petitioner in the occurrence. The present petitioner has placed on record his MLR showing three injuries as simple pain, two as scratch marks and one as abrasion.

At this stage, for the purpose of deciding the present petition, it does not, *prima facie*, look a case of admission of petitioner in the hospital. Otherwise also, plea of *alibi* is to be proved by the accused before the trial Court while leading cogent evidence.

Keeping in view the nature and gravity of the offence as well as role played by the present petitioner and in view of the fact that there is an apprehension of tampering with the evidence, I do not find it a fit case where the petitioner is entitled to the benefit of regular bail.

Therefore, finding no merit in the present petition, the same is dismissed.

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

13.12.2018
parveen kumar

(INDERJIT SINGH)
JUDGE

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No