IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-8989 of 2018
Date of Decision: March 12, 2018

Akul @ Khatri

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

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Present: Mr. Parminder Singh Rai, Advocate
for the petitioner

Mr. Amandeep S, Gill, Sr. DAG Punjab

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Sudhir Mittal, J. (Oral)

The petitioner seeks regular bail in case FIR No. 127 dated 10.08.2016, registered at Police Station Sadar Tarn Taran, District Tarn Taran under Sections 364, 302, 148, 149 IPC and Sections 25/54/59 of Arms Act, 1959.

Learned counsel for the petitioner contends that in the original FIR, name of the petitioner was not mentioned. His name figured only on account of supplementary statement dated 15.9.2016 recorded by the complainant, who is the wife of the deceased. As per the original statement made by her, three other persons had come to the house of the complainant and had forcibly taken away her husband but as per the supplementary statement, the petitioner was also part of the gang, who had forcibly taken away the deceased from his house. He has also referred to news item dated 10.08.2016 (Annexure P-3) to submit that infact the death was caused by a rival gang and that the petitioner was also part in the custody of the said gang and is alleged to have made a phone call to the deceased under threat to call him at the spot where he was ultimately murdered. Thus, it is his submission that the petitioner had no role to play in the death of Dilbagh Lamma (deceased).

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Learned State counsel, however, submits that the petitioner has been named as an accused by the wife of the deceased. He has also drawn attention of the Court to the custody certificate dated 12.03.2018 prepared by Mr. Rajiv Kumar Arora, Deputy Superintendent, Central Jail, Amritsar (which has been filed in the Court and is taken on record) to contend that the petitioner is a dreaded criminal and is involved in twelve other cases, some of which are under Section 307 IPC and others are under the NDPS Act, 1985. Thus, his submission is that it would not be safe to release the petitioner on bail.

It may be that the petitioner was not actually involved in the murder of Dilbagh Lamma but it was his act of calling Dilbagh Lamma to the spot which ultimately resulting in his death. Moreover, as is evident from the custody certificate, the petitioner is hardened criminal and does not deserve to be released on bail.

In view of the above, the petition is dismissed.

March 12, 2018 **[SUDHIR MITTAL]**
reena **JUDGE**

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

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