

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

MAMTA
2019/04/09 02:59
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CRM-M No. 8846 of 2018

Date of Decision:02.04.2019

Makhan Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr.M.S.Uppal, Advocate for the petitioner.
Mr. Sandeep Kumar, DAG, Punjab.

MAHABIR SINGH SINDHU, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short 'Cr.P.C') for grant of bail pending trial to the petitioner in case FIR No.98 dated 26.09.2014, registered under Sections 302/307/323/324/148 and 149 of the Indian Penal Code (for short 'IPC') and 25/27/30/54/59 of Arms Act, registered at Police Station City Budhlada, District Mansa.

Brief facts of the case are that the present case was registered at the instance of Makhan Singh son of Ajaib Singh, who made statement to the effect that he along with his friends Jagjit Singh and Paramjit Singh used to go for walk after taking meal. On 25.09.2014, he along with his friends went for evening walk and at about 08:00 p.m when they reached on the (culvert) pulli, one Labh Singh armed with Sabal, Makhan Singh son of Gajjan Singh (the present petitioner) armed with spade, Pritpal Singh @ Preet armed with iron cube hammer, Parminder Singh armed with gun, Samail Singh armed with stick and Karam Singh armed with iron Daah

were hiding there. When he reached near them, Parminder Singh raised lalkara upon which, Labh Singh gave Sabal blow on back side of his head, Makhan Singh, petitioner gave spade blow from blunt side on his left leg and he fell down on the ground. Thereafter, Pritpal Singh hit him with his iron cube hammer on his left bicep and when Jagjit Singh and Paramjit Singh tried to save him from accused persons, Karam Singh gave Daah blow on the head of Jagjit Singh. At the same time Samail Singh gave stick blow on the left knee of Jagjit Singh, who fell down on the ground and all the accused persons gave beatings to them with their respective weapons. On raising alarm, accused took him and Jagjit Singh to their house and upon hearing noise, people gathered in the street and Parminder Singh started firing shots from his gun which hit on the back of Paramjit Singh. In the meanwhile, father of the complainant Ajaib Singh also reached at the spot and all the accused ran away from the spot along with their respective weapons. Thereafter, complainant Jagjit Singh and Paramjit Singh were got admitted in Civil Hospital, Budhlada but due to seriousness of injuries, doctors referred Jagjit Singh to Civil Hospital, Mansa, who later on succumbed to the injuries.

Learned State Counsel, on instructions from ASI Paramjit Singh has apprised the Court that entire prosecution evidence is over in this case and now the case is fixed for defence evidence on 06.04.2019.

In view of the above factual position, no ground is made for grant of bail pending trial to the petitioner at this stage.

Consequently, the petition is dismissed.

The above observations may not be construed as an expression of

opinion on merits of the case.

Learned trial Court is requested to expedite the matter.

02.04.2019
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(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>