

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14188-2020(O&M)

Date of decision: 19.6.2020

Kala Khan

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Vicky Sharma, Advocate for the petitioner

Mr. S.P.S.Tinna, Addl. AG, Punjab

ANIL KSHETARPAL, J. (ORAL)

The petitioner prays for grant of bail pending trial in a criminal case arising from FIR No.18 dated 16.1.2019 registered under Section 302 IPC, Sections 27, 54, 59 of Arms Act at Police Station Dera Bassi, District SAS Nagar.

In a nutshell, case of the prosecution has been noticed by the learned Sessions Judge, Mohali in para 2 of his order, which is extracted as under:-

“2. As per prosecution case, instant case was registered on the statement of ASI Parveen Kaur No. 1511/SAS Nagar. In her statement, he stated that on 16.01.2019 she alongwith HC Lekh Raj was present as Duty Officer at P.S. Dera Bassi. HC Kala Khan No. 1667/SAS Nagar was also present as night Munshi in the police station. At about 10.00 P.M.,

ASI Lakhwinder Singh Incharge Traffic Dera Bassi came there with regard to traffic Challans and MHC was present in the office at that time. Then HC Kala Khan and HC Lekh Raj started quarreling with each other on some matter and they both were in CCTNS room, where they were grappling with each other. Lakhwinder Singh intervened to get both of them separated. Kala Khan picked up one Insas rifle and raised lalkara that Lakhwinder Singh had intervened in their quarrel, so he would teach him a lesson. After loading rifle, he fired a shot, which hit the neck of ASI Lakhwinder Singh, who fell down at the spot. Then complainant and HC Lekh Raj arranged a government vehicle and took ASI Lakhwinder Singh to Civil Hospital, Dera Bassi where the doctor declared him dead. In view of all these allegations, the case in hand was registered against HC Kala Khan. HC Kala Khan was arrested in this case on 16.01.2019, for having committed murder of ASI Lakhwinder Singh. Hence, this bail application moved by him, under section 439 of Cr.P.C.”

Learned counsel for the petitioner contends that the petitioner is in custody since 16.1.2019 and CCTV footage of the Police Station has not been produced by the prosecution.

On the other hand, learned State counsel has submitted that

the evidence of the prosecution is being recorded and in fact, statement of four prosecution witnesses has already been recorded.

Since trial of the case has already begun, therefore, this Court is not inclined to consider prayer for bail at this stage, particularly, when the petitioner is the only accuse in the case. He is alleged to have used the official weapon to kill a co-employee.

Hence, dismissed.

However, learned Trial Court is requested to make sincere endeavour to conclude the trial expeditiously.

19.06.2020	(ANIL KSHETARPAL)
rekha	JUDGE
Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No