

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14701-2020

DATE OF DECISION: SEPTEMBER 7, 2020

LUCKY KUMAR @ BILLA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. FERRY SOFAT, ADVOCATE FOR THE PETITIONER.
MR. H.S. SITTA AAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner Lucky Kumar Billa has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 233 dated 4.12.2016 under Section 304, 336 IPC and Section 30 Arms Act (Section 302, 148, 149 IPC and Section 25, 27 Arms Act deleted), Police Station Maur, Bathinda The petitioner is in custody since his arrest on 5.12.2016.

The FIR was registered on the statement of Rajinder Singh wherein it was alleged that he and his wife used to perform in cultural programmes. They alongwith their other team mates were engaged by Mohinderpal Singh @ Manga, owner of Punjab Musical Group to perform at a marriage ceremony at Ashirvad Palace. While his wife Kulwinder @ Janu was performing dance at the stage on a song at about 11.00 p.m., below the stage, Billa who was carrying a .12 bore rifle alongwith other persons, one of whom was also carrying a revolver, was also dancing on the song. In

the meantime, Billa fired with his .12 bore rifle which hit the head of his

wife and she died on the stage. On raising an alarm, Billa alongwith others fled away from the spot. He submitted that the motive behind the occurrence was that Billa and his companions were insisting to climb the stage, whereas he alongwith Stage Secretary Angrej Singh restrained them from doing so. That enraged Billa and therefore, he fired from his .12 bore rifle at his wife on her head and murdered her. On these broad allegations, the present FIR was lodged.

Learned counsel for the petitioner contends that the trial is not making any progress and it is seriously debatable if the offence punishable under Section 304 IPC would be made out. According to him, the occurrence took place during the celebration of a marriage when the petitioner allegedly fired from .12 bore rifle and the gun-shot hit the wife of the complainant which resulted in her death. Learned counsel has pointed out that the order of charge dated 15.9.2017 passed by trial Court is under challenge in CrI.R.No.3186 of 2018 which is still pending, therefore, the petitioner deserves the concession of regular bail. Learned counsel has further relied upon the enquiry report dated 31.10.2017 conducted by the Superintendent of Police (Investigations), Bathinda to contend that the alleged act of the petitioner amounts to negligence only.

On the other hand, learned State counsel assisted by ASI Gian Chand has opposed the prayer on the ground that the offence is heinous. According to him, the petitioner was well aware of the consequences of firing and the nature of the weapon carried by him. He submits that the petitioner does not deserve the concession of regular bail.

After hearing learned counsel for the parties and considering

the nature of the offence, this Court finds that reliance placed upon the enquiry report dated 31.10.2017 by the learned counsel for the petitioner is misplaced, as after registration of the FIR, its investigation report is material which is to be considered at the stage of framing of charges. Therefore, without commenting anything upon the merits of the case, no case is made out for grant of regular bail to the petitioner.

The petition is dismissed.

September 7, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No