

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

**CRM-M-26452-2020(O&M)
Date of decision: 11.09..2020**

KUNDAN KUMAR

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Gurpreet Singh Dhillon, Advocate
for the petitioner.

Mr. H.S. Multani, AAG, Punjab.

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic).*

VIVEK PURI,J. (ORAL)

The petitioner is seeking regular bail with regard to the case bearing
FIR No. 113 dated 26.08.2018, under Sections 323/302/148/149 of IPC, 1860,
registered at Police Station City-2, District Khanna.

Precisely, the FIR has been registered on the basis of the statement
of Lakhvir Singh alleging that on 24.08.2018 his son Pardeep Singh told him
that his friend Harvir Singh @ Lala had verbal dispute with Harshdeep Singh.
Pardeep Singh tried to intervene and he was given threats. On 25.08.2018, at
about 1:00 pm, Pardeep Singh was not found present in the house. Accordingly,
Lakhvir Singh, complainant accompanied by his brother Beant Singh came to the
road at the backside of Walia Public School, Disposal Road, Khanna where many
boys were standing. Rakesh Kumar @ Kaka inflicted injuries by means of sharp
edged weapon on the right thigh and right side of the hip of Pardeep Singh who
fell down. Kundan Lal-petitioner alongwith Shubham and Sultan Khan also gave
beatings to Pardeep Singh while he was lying on the ground. The complainant

alongwith Beant Singh came forward to rescue Pardeep Singh and the assailants slipped away from the spot alongwith their weapons. Pardeep Singh was admitted in Civil Hospital, Khanna where he succumbed to the injuries.

It has been contended by the learned counsel for the petitioner that has been falsely implicated, there is a weak evidence with respect to motive, the co-accused Rakesh Kumar @ Kaka to whom the fatal injury has been attributed has already been released on bail and furthermore, no specific injury has been attributed to the petitioner.

On the contrary, it has been pointed out by the learned State counsel that there were ten injuries on the person of the deceased, Rakesh Kumar @ Kaka, the co-accused has been granted bail as he was juvenile and specific role has also been attributed to the petitioner as he inflicted injuries upon the person of the deceased.

It is significant to note that it is a case of direct evidence wherein Lakhvir Singh, the complainant and his brother Beant Singh are the eye-witnesses to the occurrence. It will be too early to disbelieve the version of the prosecution on the score that there is a weak motive for committing murder due to any dispute between the deceased and the accused which may prompt them to commit murder. Moreover, Rakesh Kumar @ Kaka, accused has been granted bail as he was declared a juvenile and consequently he became entitled to the bail under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000.

There are allegations to the effect that after the fatal blows were inflicted, the petitioner alongwith the co-accused had inflicted injuries upon the person of the deceased, which is indicative of the fact that the petitioner alongwith co-accused was sharing common intention in committing the

committed the murder of a young boy aged about 18 years. The petitioner alongwith co-accused had inflicted injuries upon the person of the deceased after he fell down on the receipt of injuries by means of sharp edged weapon at the hands of the co-accused. It speak volumes about the intention on the part of the petitioner in committing the murder while sharing common intention with co-accused.

The gravity of allegations, the nature of evidence and severity of sentence in the event of the conviction are the significant factors which have to be considered at the time of extending the concession of bail.

Keeping in view that the entire circumstances emerging in the case, no reasonable ground is made out to extend the concession of bail to the petitioner.

For the aforesaid reasons, the present petition is dismissed.

11.09.2020
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(VIVEK PURI)
JUDGE

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