

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

214

CRM-M-27240-2020
Date of decision: 29.10.2020

Lakhbir Singh @ Golu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Rahul Bhargava, Advocate
for the petitioner.

Mr. H.S. Multani, Asstt. AG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of regular bail in case FIR No.34 dated 16.03.2016 registered under Section 302 read with Section 34 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Kharar, District SAS Nagar, Mohali.

The above said FIR was registered on statement of Dharam Singh Dhaliwal who alleged that on 16.03.2016 at about 12:30 P.M. his son Jaskaran Singh had left the house after telling him and his wife that he was going to change the tullu pump. He took the new tullu pump in his car bearing registration No.PB-65Y-1701 Swift Dzire of white colour and went to Ekam Complex Sawara. At about 04:00 P.M. he came to know that his son Jaskaran Singh has been murdered by some

assailants with sharp edged weapon. The police investigated the case and during investigation Kulwant Singh, Ex-Sarpanch made statement to SHO, Police Station Sadar Kharar regarding over-hearing Pawandeep Dhaliwal, Lakhbir Singh (the petitioner), Gurpreet Singh @ Soni, Devinder Singh @ Prince and Bhawanpreet Singh discussing about murder of Jaskaran Singh. During investigation, Sarpanch Devinder Singh also disclosed about making of extra-judicial confession by Gurpeet Singh @ Soni, Devinder Singh @ Prince and Bhawanpreet Singh before him regarding murder of Jaskaran Singh after taking money from Pawandeep Dhaliwal. On completion of investigation, the police filed charge-sheet against the petitioner and his co-accused.

The petitioner, being in custody since 18.05.2016, has filed the present petition for grant of regular bail.

The petition has been opposed by learned State Counsel in terms of reply filed by way of affidavit of Rupinderdeep Kaur Sohi, PPS, Deputy Superintendent of Police, Kharar-I, District SAS Nagar, Mohali.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the relevant record.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case on the basis of statement of Kulwant Singh, Ex-Sarpanch, who during trial, did not support the case of the prosecution and turned hostile. As per the allegations levelled, the amount was transferred into the account of co-accused Bhawanpreet Singh by the wife of the deceased namely

Pawandeep Dhaliwal. Co-accused Bhawanpreet Singh, Devinder Singh @ Prince and Gurpreet Singh @ Soni have been granted bail by this Court vide orders dated 19.03.2018, 29.01.2018 and 01.03.2018 respectively. The trial is likely to take long time and no useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has argued that the petitioner is the main accused who had stabbed the deceased. Recovery of weapon used in commission of crime, car and driving licence of the deceased and amount of Rs.1 lakh received by him from wife of the deceased was made from his possession. The petitioner has been convicted in one murder case. The prosecution evidence has also been closed and the case is fixed for final arguments. In view of nature of accusation and gravity of the offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

In the present case the petitioner is alleged to have stabbed the deceased and recovery of car and driving licence of the deceased was made from his possession, besides recovery of the amount of Rs.1 lakh, and his case stands on different footing from that of his co-accused Bhawanpreet Singh, Devinder Singh @ Prince and Gurpreet Singh @ Soni, who have been granted bail by this Court.

Keeping in view the facts and circumstances of the case, nature of accusation and role attributed to the petitioner and the fact that prosecution evidence has already been closed and the case is fixed for final arguments, but without meaning to comment on the merits of the case as the same may prejudice either of the parties, I am of the

considered view that the petitioner does not deserve grant of regular bail.

In view of the above, the present petition for grant of regular bail is dismissed.

29.10.2020

(ARUN KUMAR TYAGI)
JUDGE

Vinay

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