

CRM-M-5313-2021

Date of decision: 10.02.2021

HARDEV SINGH @ GANJA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Tarun Sharma, Advocate
for the petitioner.

Mr. H.S. Sullar, DAG, 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 in the case bearing FIR No. 120 dated 26.07.2018 under Sections 302/34 IPC, 1860 (Sections 120-B/148/149 IPC, added later on) registered at Police Station Dharamkot, District Moga.

At the first instance, the FIR was registered but the petitioner and the co-accused were not named therein. Subsequently, the supplementary statement of Kulwant Singh-complainant was recorded on 30.07.2018 wherein the specific role incriminating the petitioner and others in commission of murder of his son Wazir Singh was attributed.

It has been stated by the learned counsel for the petitioner that he has been falsely implicated in the instant case and defective investigation has been conducted in the matter. It has been argued that false recoveries have been planted upon the petitioner and the co-accused with regard to mobile phone and purse of the deceased and the same were recovered from the dead body as per the inquest proceedings.

that out of 13, 05 prosecution witnesses including the complainant have already been examined and 03 witnesses were given up. The complainant has supported the version of prosecution with respect to the involvement of the petitioner in the commission of the offence.

It is significant to note that the bail application of similarly placed co-accused, namely, Manjit Kaur has already been dismissed by this Court in terms of order dated 17.11.2020. It will be too early to conclude that defective investigation has been conducted. Furthermore, the defective investigation, if any, may not enure any benefit to the petitioner at this stage and its effect will be seen by the trial Court at the appropriate stage. The prosecution witnesses have supported the case of the prosecution with regard to the involvement of the petitioner in the commission of the offence in connivance with the co-accused. The gravity of allegations and severity of sentence in the event of conviction are significant factors which are to be looked into at the time of extending the concession of bail to the accused.

In these set of circumstances no justified ground is made out to extend the concession of bail to the petitioner.

In view of the above, the present petition is dismissed.

10.02.2021
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(VIVEK PURI)
JUDGE

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