

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-8247-2021

Date of decision: 22.02.2021

Kala Singh**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. P. K. S. Phoolka, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The is the second petition, filed under Section 438 Cr.P.C., for grant of anticipatory bail to petitioner in FIR No. 79 dated 25.05.2020, registered under Sections 302, 452, 148, 149 of the IPC at Police Station Nehianwala, District Bathinda.

The first petition, bearing CRM-M-27195-2020, was dismissed on merits on 10.09.2020 by passing the following order:

“...Counsel for the petitioner has argued that the petitioner is an innocent person and on the date of incident, he was not present at the spot as his wife was admitted in the hospital.

The FIR has been registered, at the instance of Rajwant Kaur, with the allegations that she had 03 children and on 22.05.2020 at about 05:00 AM, on hearing a voice, she noticed that one Khanna Singh has jumped over the wall of her house and opened the outer gate and he was accompanied by Gurmail Singh, who was carrying a dang, Jyoti Singh, carrying a rod, Arsh Singh carrying a rod, Bira Singh carrying a dang,

Bhachar Singh carrying a sota and Kala Singh (i.e. the present petitioner), who was also carrying a sota, have entered the house of the complainant and thereafter, upon entering the house, in order to kill the husband of the complainant, they caused injuries on his head and right ear.

Counsel for the State, in reply, has also opposed the prayer for bail on the ground that the petitioner was named in the FIR and he was carrying a sota and he along with the other co-accused entered the house of the victim and caused 08 fatal injuries and the victim – Iqbal Singh, later on died.

A perusal of the FIR show that the petitioner is specifically named in the FIR as a part of the group, who has trespassed into the house of the complainant and caused injuries to her husband, Iqbal Singh, who later on died in the hospital.

After hearing the counsel for the parties, considering the serious allegations against the petitioner, I find no ground to grant the concession of bail to the petitioner and accordingly, the present petition is dismissed.”

Since learned counsel for the petitioner seeks to reargue the entire case on the grounds, which were available to petitioner when his aforesaid first bail application was dismissed, this Court finds no new ground to grant concession of anticipatory bail to the petitioner.

Accordingly, the present petition is dismissed.

22.02.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No