

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM M-36407-2019 (O&M)

Date of decision : 20.08.2021

Darshan Singh @ Rajan Kan Wada

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Vaibhav Narang, Advocate for the petitioner.

Mr. H.S. Grewal, Addl. A.G. Punjab.

RAJAN GUPTA J. (ORAL)

Case has been taken up on Video Conferencing in view of
COVID-19 Pandemic.

Petitioner seeks concession of regular bail in a case registered against him under sections 302, 307, 148, 149, 120-B IPC vide FIR No. 113 dated 05.05.2016 at police station Sultanwind, District Amritsar. Learned counsel for the petitioner has contended that petitioner is in custody for considerable period. No role has been attributed to him. Moreover, there is no evidence on record to connect the petitioner with the commission of crime. Referring to order passed by coordinate Bench, Annexure P-3 (colly) whereby certain accused have been granted the concession of bail, learned counsel submits that petitioner is similarly placed. He is, thus, entitled to similar relief. Prayer has been opposed by learned State counsel. According to him, allegations against the petitioner are serious.

I have heard learned counsel for the parties.

FIR was registered at the instance of complainant Vishal Kumar. He
stated that on the day of occurrence he alongwith some other persons were

returning back after attending the marriage. On the way they were way-laid by Bobby Malhotra, Kaddu @ Gaurav Gicky, Shiva, Pawan @ Timba, Suraj @ Bhukh, Arun who were armed with pistols and revolvers. Accused Bobby raised *lalkara* and fired shot which hit on the head of complainant's brother Haria. Thereafter all the accused fired various shots which hit Deepu and Bawa as well as complainant's brother Haria in stomach. As a result, Haria succumbed to his injuries while Deepak @ Deepu, Bhage and complainant sustained injuries. After registration of FIR, investigation ensued. According to affidavit filed by Sushil Kumar, Assistant Commissioner of Police, Amritsar, South Amritsar, petitioner has been specifically named by both the injured. Even during investigation, petitioner has confessed of having committing the crime and weapon of offence i.e. pistol used in the commission of crime has been recovered from his possession. Petitioner is also involved in three other FIRs of similar nature. It is further contended that in case petitioner is enlarged on bail, possibility of his influencing the witnesses and hamper the trial cannot be ruled out.

Considering entire facts and circumstances of the case, I am of the considered view that petitioner is not entitled to bail. As regards ground of parity with co-accused, plea is mis-conceived as weapon of offence has been recovered from him and there are specific allegations against the petitioner.

In view of above, petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

August 20, 2021

Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No