

KULDEEP SINGH ALIAS SHIVA

.....petitioner

VS

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. S.S. Dhaliwal, Advocate for the petitioner.

Mr. Amit Mehta, Sr. Deputy Advocate General, Punjab.

AVNEESH JHINGAN, J. (ORAL)

This petition is filed seeking regular bail FIR No.126 dated 26.08.2020, under Section 302, 34 of IPC, later on added Sections 148, 149 and 120-B of IPC registered at Police Station Sidhwan Bet District Ludhiana.

The brief facts are that on 20.05.2020 Harbans Singh lodged an FIR. He stated that about 7:00 PM while coming back from the fields on the way he found that motorcycle of his brother Kulwant Singh (deceased) was parked and the deadbody of his brother was lying on it. The FIR was registered against the unidentified person on 27.08.2020. Supplementary statement was made by the complainant naming the accused including the petitioner Kuldeep Singh @ Shiva. It was stated that the deceased was killed as Baljinder Singh @ Danta was having illicit relationship with the daughter of the deceased. On 27.08.2020 Arshdeep Singh @ Arshi gave a statement that when he was going back from his fields, on the bank of the drain he saw Baljinder Singh @ Danta armed with Kirpan, Sumit Kumar @ Akash armed with iron rod, petitioner was armed with iron daah and he was wearing blood-stained clothes. He

signalled them to stop but these persons crossed him. Later

he came to know that Kulwant Singh(deceased) was killed. Petitioner was arrested and at his instance, one iron daah, one mobile and his blood-stained clothes were recovered from his house. Recoveries were also made from the co-accused.

Counsel for the petitioner submits that that petitioner was not named in the FIR. There was no eye-witness to the incident. The petitioner is in custody since 28.08.2020.

Learned State counsel opposes the prayer and submits that the accused in connivance with each other had killed the deceased. There was a motive behind the incident as co-accused Baljinder Singh was having illicit relationship with the daughter of the deceased. He further submits that apart from the supplementary statement, there is a statement of Arshdeep Singh and recovery of the blood-stained clothes at the instance of the petitioner.

The observations made hereinafter shall not be construed as an expression of opinion on the merits of the case.

The allegations against the petitioner are serious. He had actively participated with co-accused in the incident. At his instance from his house, his blood-stained clothes along with the iron daah were recovered. In the case set up there is a motive attributed for the incident. It would not be appropriate for this Court while dealing with the prayer for bail to hold a mini trial for evaluating the entire evidence and to comment upon the same.

No case is made out for grant of bail.

Dismissed.

(AVNEESH JHINGAN)
JUDGE

17th August, 2022
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<i>Whether speaking/reasoned</i>	:	<i>Yes</i>
<i>Whether reportable</i>	:	<i>No</i>