

CRM-M-12148-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12148-2022

Date of decision: 19.12.2022

Parminder Singh @ Prince

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Ajay Pal Singh Rehan, Advocate,
for the petitioner.

Mr. Gurlal Singh Dhillon, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.75 dated 06.12.2017, registered at Police Station Gardhiwala, District Hoshiarpur, under Sections 302, 506, 120-B, 148 and 149 IPC and Section 25 of the Arms Act, 1959.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that though the petitioner was named in the FIR, yet the fact remains that the complainant is not an eye-witness to the alleged occurrence; that the petitioner has been in custody since 18.01.2018, and that out of 44 prosecution witnesses, only 03 witnesses have been examined so far.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner alongwith co-accused had got brother of the complainant killed through contract killers

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by giving '*Supari*' of Rs.35 lakh, and that motive behind the attack was that Pardeep Singh was an accused in the murder case of Nishan Singh, brother of Jang Bahadur. Moreover, co-accused Prabhjot Singh @ Jyoti was brought from Abu Dhabi to India by the police on 07.02.2019.

I have heard the learned counsel for the parties.

The above-noted FIR was registered on the statement of one Tarlok Singh. As per the contents of FIR, on 06.12.2017, at about 8.00 a.m., when the complainant came to know that his brother-Amrik Singh was shot dead near Dushehara ground, he alongwith professor Rashpal Singh had reached the spot and found his brother dead. Earlier also, the accused persons also attacked his brother on 20.08.2017, but he had escaped somehow. The motive behind the murder of his brother was that Pardeep Singh-nephew of the complainant was in custody in the murder case of Nishan Singh, brother of Jang Bahadur and Prabhjot and they had been trying to kill family members of the complainant and ultimately, FIR was got registered at Police Station Haryana. During the course of that FIR, it came into light that Jang Bahadur and Prabhjot Singh had given '*Supari*' of Rs.35 lakh to kill the family members of the complainant.

There are serious allegations against the petitioner that he alongwith co-accused had got murdered the brother of the complainant through contract killers. Even co-accused Prabhjot Singh @ Jyoti was brought from Abu Dhabi to India by the police on 07.02.2019.

A perusal of the custody certificate would show that the petitioner is an infamous criminal, who has 08 other cases registered and/or pending against him. The list of cases registered and/or pending against

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him includes the cases relating to attempt to murder, NDPS Act, Arms Act etc. Thus, the petitioner is an inveterate hard core criminal having to his discredit long criminal antecedents.

Indisputably, the petitioner has been in custody for more than 02 years and 02 months. It is not denied for a moment that the period of custody is a relevant factor, but simultaneously the totality of the circumstances and the criminal antecedents are also to be weighed.

Keeping in view the criminal antecedents of the petitioner, the period of custody of more than 02 years, in my considered opinion, melts into insignificance.

In view of the above discussion and having found prima facie case or reasonable ground to believe that the petitioner has complicity with the commission of offence, I am loath to grant bail to the petitioner. If the relief as sought in the petition is allowed to the petitioner, there is every possibility that he would flee from justice or win over the witnesses.

For the larger interest of public and society, the present petition for bail being devoid of merit, stands dismissed.

19.12.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No