

HARDEV SINGH @ GANJA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sultan Singh Gill, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

VIVEK PURI, J. (ORAL)

Petitioner is seeking regular bail in the case bearing FIR No.120 dated 26.07.2018 under Sections 302/34 IPC, 1860 (however, Sections 120-B/148/149 IPC, 1860 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 are stated to have not been named therein. Subsequently, on the basis of the supplementary statement of Kulwant Singh-complainant recorded on 30.07.2018, a specific role incriminating the petitioner and others for commission of murder of a son Wazir Singh was attributed.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the instant case and defective investigation has been conducted. It has been further argued that false recoveries have been planted upon the petitioner and the accused.

On the contrary, learned State counsel submits that the prosecution evidence has been concluded, the statement of the petitioner and the co-accused under Section 313 Cr.P.C has been recorded and the case is fixed for defence

evidence in the trial Court.

It is significant to note that the earlier application for bail of the petitioner has been dismissed by a speaking order dated 10.02.2021 passed in CRM-M-5313-2021. Learned counsel for the petitioner has not been disputed the fact that such order has not been assailed by him. At the time of the dismissal of the earlier bail application, out of 13, 05 witnesses were examined and 03 witnesses have been given up. Now, the entire prosecution evidence has been concluded and even, the statement of the accused under Section 313 Cr.P.C has been recorded. The case is at the stage of defence evidence in the trial Court.

In these set of circumstances, it cannot be said that any further delay in the disposal of the trial can be attributed to the prosecution. Moreover, no significant change of circumstances is made out which may justify the extended concession of bail to the petitioner.

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

27.07.2022
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(VIVEK PURI)
JUDGE

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