

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16785-2022 (O&M)
Date of decision: 11.05.2022

Sukhchain Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ashish Aggarwal, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.180 dated 21.07.2021 under Sections 302, 379-B, 34 IPC, registered at Police Station Chattiwind, District Amritsar Rural.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered on the statement of Anil Kumar, when Ajit Kumar Singh was coming after completing the duty, two unknown persons came on a motorcycle and stopped before Ajit Kumar Singh and tried to snatch his mobile phone. The incident was recorded in CCTV camera and then, he reached at the spot and saw that Ajit Kumar Singh was lying in injured condition and took him to the hospital, where he died during treatment. It is further submitted that later on, Balwinder Singh got recorded his statement that when he was coming to

Village Chhaba at about 9.30 p.m., he noticed that on the main road, a motorcycle is coming and suddenly stopped. In the light of motorcycle, he saw that the motorcycle was driven by Sukhchain Singh and Navinder Singh @ Calender was the pillion rider. They were known to him. He found that shirt of Sukhchain Singh was blood stained and both of them were nervous. When he asked them, from where they are coming, suddenly they started the motorcycle and left the spot. Later on, he came to know that two persons snatched the mobile phone from a labourer after stabbing with a kirch and said labourer was known as Ajit Kumar Singh. It is further stated by Balwinder Singh that he has reason to believe that Sukhchain Singh and Navinder Singh @ Calender have snatched the mobile phone, after committing his murder.

Learned counsel further submits that the petitioner was nominated in the FIR, after arrest of co-accused Navinder Singh @ Calender, who, in his disclosure statement, stated that petitioner Sukhchain Singh is a drug addict and both of them, by going on a motorcycle, saw that Ajit Kumar Singh was coming on feet and he caught hold of him and petitioner Sukhchain Singh attacked him with kirch, which hit on the chest of deceased Ajit Kumar Singh and in that process, they snatched mobile phone and some money. It is further submitted that only evidence against the petitioner is disclosure statement of co-accused Navinder Singh @ Calender.

Notice of motion.

On asking of the Court, Mr. Joginder Pal Ratra, DAG, Punjab accepts notice on behalf of the respondent-State and has, however, opposed the prayer for bail on the ground that not only the fact that co-accused of the

petitioner disclosed his name, rather stated that he is main assailant, who attacked deceased Ajit Kumar Singh with kirch on his chest, which proved to be a fatal injury and apart from this, there is an evidence of Balwinder Singh, who seen the petitioner and co-accused Navinder Singh @ Calender with blood-stained clothes immediately after the incident. It is further submitted that the petitioner is involved in two cases under NDPS Act, which corroborates the version of co-accused Navinder Singh @ Calender that he is a drug addict. It is also submitted that recovery of weapon of offence and motorcycle etc. is yet to be effected, therefore, custodial interrogation of the petitioner is required.

After hearing learned counsel for the parties and considering the serious allegations in the FIR against the petitioner, I find no ground to grant him the concession of anticipatory bail.

Dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

11.05.2022
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No