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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30161-2022 (O&M)
Date of Decision: 30.11.2022

Khushpreet Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. K.S. Saini, Advocate, for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 77 dated 10.10.2016, under Sections 302/307/34 IPC and Section 27 of Arms Act, registered at Police Station Singh Bhagwantpura, District Ropar.

It has been submitted by the learned counsel for the petitioner that the petitioner has been falsely implicated in the present case and even as per the prosecution, the only role attributable to the petitioner was raising of lalkara and has not inflicted any injury to the deceased. He submitted that the deceased had died due to gunshot injury which was attributable to the co-accused namely Balwinder Singh who has already been convicted and since no injury was attributable to the petitioner, he may be considered

for the grant of regular bail.

On the other hand, Mr. Kunal Vinayak, learned Assistant Advocate General, Punjab has submitted that it is a case where there are direct allegations attributable to the petitioner including the motive of attack upon the deceased person even as per the FIR. He submitted that all the accused have collectively attacked the deceased which resulted in his death. He submitted that the offence in the present case took place on 10.10.2016 and thereafter only one of the co-accused namely Balwinder Singh was arrested who faced the trial. The aforesaid Balwinder Singh has been convicted and sentenced to life imprisonment. He submitted that so far as the present petitioner is concerned, he was absconded and was declared as a proclaimed offender and thereafter he arrested on 20.01.2020 and is now facing trial. He further submitted that the charges against the present petitioner were framed on 22.02.2021 and one witness has been examined. He vehemently opposed the grant of bail to the petitioner on the ground that earlier also the petitioner absconded and was declared as a proclaimed offender and thereafter arrested and there is strong apprehension that in case the petitioner is released on bail, then he may abscond again and flee from justice. He further submitted that the offence was committed in the year 2016 and the petitioner was arrested in the year 2020 and during that time he had evaded the process of law. Apart from the same, there are specific allegations against the petitioner with regard to common intention and committing the murder of deceased namely Baljeet Singh and he therefore opposed the grant of regular bail to the petitioner.

I have heard the learned counsel for the parties.

The petitioner was specifically named in the FIR. However, as per the learned State counsel after the registration of the FIR the petitioner absconded and was arrested on 20.01.2020 and in the meantime the other co-accused namely Balwinder Singh was tried and has been convicted and sentenced to life imprisonment. The apprehension expressed by the learned State counsel considering the aforesaid facts and circumstances that there is a strong apprehension that in case the petitioner is released on bail, then he may again abscond and flee from justice does carry weight and cannot be ignored.

Therefore, considering the aforesaid facts and circumstances, this Court does not deem it fit and proper to grant regular bail to the petitioner.

Consequently, the present petition is dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

30.11.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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