

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

218

CRM-M-36348-2022
Date of Decision: 30.11.2022

Hardeep Kumar @ Laddi

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. P.S. Brar, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, Asstt. A.G., Punjab
for the respondent-State.

Mr. Bhanu Partap Singh, Advocate
for the complainant.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.88 dated 01.09.2021 registered under Sections 302, 307, 120-B, 148 and 149 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 at Police Station Garhdiwala, District Hoshiarpur.

The above-said FIR was registered on a complaint made by complainant-Ramandip Singh alleging that on 31.08.2021 at about 10:20 a.m. he was going on his motorcycle from Gurudwara Kesar Dass after paying obeisance towards his Village Argowal and his cousin Gurdip Singh @ Geepa was also going ahead of him on his motorcycle. Suddenly, one Swift car of white colour came from the back side in a very high speed and hit upon the motorcycle of Gurdip Singh on which

Gurdip Singh fell down. Then Jaskaran Singh, driver of the car, armed with one sharp-edged 'Khanda' and person sitting besides him i.e. Bindi, also armed with 'Khanda' along with 2-3 unknown persons with muffled faces, armed with 'Kirpan', came out from the car and gave weapon blows upon Gurdip Singh which struck on his right side ear, on right arm and right thigh and also on the backside of right foot. They tried to kill him by multiple blows. When he raise hue and cry, the accused fled from the spot.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. There is no iota of evidence to connect the petitioner with the alleged crime. He is not named in the FIR and his name is only mentioned in the confessional statement of co-accused. The petitioner is not involved in any other case. The petitioner in custody since 04.09.2021. Charges are yet to be framed. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

Per contra, learned State counsel and learned counsel for the complainant have opposed the present petition and submit that as per MLR of Gurdip Singh, he sustained 12 injuries on his person, which shows that he was brutally assaulted in the day time on the roadside. During treatment, injured Gurdip Singh @ Gipa had succumbed to injuries. The petitioner armed with Datar hit on the right arm of Gurdip Singh @ Gipa which is sharp injury. Datar used in the crime, one pistol and 05 live cartridges have been recovered from the petitioner. Therefore, the present

petition may be dismissed.

I have heard learned counsel for the parties and gone through the paper-book.

The petitioner along with other co-accused is alleged to have commit murder of Gurdip Singh @ Gipa by causing injuries to him. Datar used in the crime, pistol and 05 live cartridges were also recovered from the petitioner.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner, I am of the considered view that the petitioner does not deserve the concession of regular bail.

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

30.11.2022
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No