

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

101-A

**CRM-M-9582-2023 (O&M)
Date of decision: 13.03.2023**

Mukhtar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Rahul Bhargava, Advocate for the petitioner.

Ms. Ishma Randhawa, Addl. AG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this second petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case FIR No.66 dated 20.04.2021, registered under Sections 302, 341, 148, 149 IPC and later on Sections 212, 201 IPC read with Section 34 IPC were added, at Police Station Kathunangal, District Amritsar Rural. The earlier petition filed by the petitioner with other co-accused was dismissed by this Court on 13.07.2022.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner was not named in the FIR; that the petitioner is not involved in any other case; that no injury was caused by the petitioner to the deceased and even he was not present at the spot; that as per the mobile tower location collected during investigation, the petitioner was found to be at a distant place(s) and that as per the enquiry report dated 01.06.2021, the petitioner, Narinder Singh, Bhupinder Singh,

Jaspal Singh, Mewa Singh, Ranjit Singh, Jaspinder Singh and Sukhpal Singh, were also found innocent and kept in column No.2 on the basis of investigation conducted by the police.

Learned counsel for the petitioner further submits that while dismissing the earlier bail petition preferred by the petitioner along with other co-accused on 13.07.2022, CD was not taken into consideration.

I have heard the learned counsel for the petitioner and have also gone through the case file.

It is a case, wherein, Baljinder Singh, was murdered, who was the prime witness in an FIR registered against one of the co-accused of the petitioner. Since, the prosecution agency was not recording the statements of eye-witnesses, namely, Harmeet Kaur and Palwinder Kaur, the complainant was forced to approach this Court and on the directions issued by this Court vide order dated 07.07.2021, their statements were recorded on 17.07.2021.

The complainant and eye-witnesses, namely, Harmeet Kaur and Palwinder Kaur, have specifically named the petitioner to be the one who had actively participated in the crime. Baljinder Singh (deceased) son of the complainant had been given injuries by the accused, including the petitioner, resulting into his death at the spot itself. The petitioner's reliance on the inquiry report needs to be examined vis-à-vis the ocular version of the complainant and the eye-witnesses. Upon so doing, the ocular version prevails. Therefore, it cannot be said that the petitioner has been wrongly summoned by the learned trial Court vide order dated 30.05.2022 through non-bailable warrants.

Since the petitioner along with other co-accused has actively

participated in the crime and even the Investigation Agency has also tried to shield the petitioner and other co-accused, it was on the direction of the learned trial Court, the petitioner and other co-accused were shifted from column No. 2 as main accused and the earlier bail petition preferred by the petitioner along with other co-accused stands dismissed vide order dated 13.07.2023 passed by this Court.

In view of the above, no further order is called for in the present petition.

Dismissed.

13.03.2023

Mangal Singh

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No