

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

214

2024:PHHC:047426

CRM-M-5102-2024

Date of decision: April 8th, 2024

Ranbir Singh @ Jodha @ Beera

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amandeep Singh Manaise, Advocate
for the petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is a second petition filed by the petitioner seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.102 dated 04.05.2019 under Sections 302, 341, 201, 148, 149 of the Indian Penal Code, 1860 at Police Station City Kapurthala.

2. The previous petition under Section 439 of the Cr.P.C. was dismissed as withdrawn on 31.08.2023.

3. On a pointed query put to the learned counsel for the petitioner as to what was the material change in the circumstances subsequent to the withdrawal of the previous petition on 31.08.2023, he has submitted that the entire prosecution stands recorded; recording of defence evidence is due to commence from 29.05.2024.

4. Learned counsel has further submitted that though as per the allegations levelled in the FIR in question (Annexure P-1) against the petitioner who has been in custody since 19.08.2019, it has been projected to be a case of eyewitness account, however, the allegations levelled therein are totally false and fabricated; the complainant was not

a witness to the occurrence in question and it was during an interaction with the media that the complainant had categorically stated that he was not present at the place of occurrence and he had learnt about the alleged occurrence and the role of the petitioner from some third person. Learned counsel submits that thus there are glaring loopholes in the case of the prosecution. Hence, the petitioner would want to lead evidence in his defence for which he would have to be released on bail so that he can locate the media person before whom the complainant had made the aforestated statement qua he not being present at the time of the alleged occurrence.

5. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Baldev Singh, has submitted that the trial is nearing conclusion as all the prosecution witnesses stand examined; all the witnesses while stepping into the witness box had supported the case of the prosecution in its entirety. Learned counsel has further submitted that the petitioner, who is a man of criminal antecedents, has been attributed *datar* blow on the head of the deceased, which proved to be fatal for him. Learned State counsel has thus vehemently opposed the prayer and submissions made by the counsel opposite for extending the concession of bail to him, particularly keeping in view the mode and manner in which the crime in question was given effect to by the petitioner and the co-accused, who came to the spot on their respective vehicles armed with lethal weapons and thereafter, launched unprovoked attack on the deceased leading to him sustaining multiple injuries. Learned State counsel has submitted that the next date fixed before the trial Court is 29.05.2024 and hence, there is every likelihood that the trial would not

take much time to conclude.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. A perusal of the FIR in question leaves no manner of doubt that *prima facie* it was a premeditated attack carried out by the petitioner and the co-accused, who were all armed with lethal weapons; concededly all the material witnesses supported the case of the prosecution in its entirety, coupled with the fact that the ocular testimony finds due corroboration with the medical evidence. In the circumstances, this Court would not be inclined to extend the concession of bail to the petitioner, who is admittedly involved in other criminal cases.

8. The instant petition stands dismissed.

9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

April 8th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No