

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M No. 22596 of 2024 (O&M)
Date of Decision: 08.11.2024

Ravi SinghPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Abhishek Khullar, Advocate for the petitioner.

Ms. Neha Sonawane, DAG, Punjab.

MAHABIR SINGH SINDHU, J.

Present **second** petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') for grant of bail pending trial to the petitioner in FIR No.121 dated 26.08.2021, registered under Section 302 read with Section 34 of the Indian Penal Code, 1860, and Sections 25 and 27 of Arms Act, 1959 at Police Station City Batala, District Gurdaspur.

2. Allegations are that petitioner along with his co-accused in furtherance of their common intention caused firearm injuries to Rahulpreet Singh, resulting into his death.

3. Learned counsel for the petitioner contends that petitioner is in custody since 26.09.2021 and there is no material regarding the complicity of petitioner. Petitioner was nominated by the complainant in the

supplementary statement after a delay of 11 days from registration of FIR



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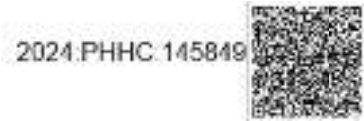
which shows that the prosecution version is an after-thought. Further contends that petitioner has been falsely implicated in this case; he is not involved in any other criminal case; out of total 28 prosecution witnesses (PWs), only 3 PWs have been examined till date; thus, trial will take sufficient long time. Lastly contended that further incarceration of petitioner would not serve any purpose.

4. *Per contra*, learned State counsel vehemently opposes the prayer and submits that while appearing in the witness box as PW-2, *de facto* complainant Kuljit Kaur had specifically identified the petitioner as one of the perpetrators of the crime. Further contends that in view of the gravity and seriousness of the offence, petitioner does not deserve the concession of bail pending trial. Lastly submitted that in case petitioner is released on bail, there is likelihood of his tampering with the prosecution evidence.

5. Heard learned counsel for the parties and perused the paper-book.

6. There is no dispute that initially petitioner was not named in the FIR but *de facto* complainant in her supplementary statement specifically ascribed his role while committing the murder of Rahulpreet Singh. Also noteworthy that the eyewitnesses have specifically deposed regarding presence of petitioner on the spot with main accused Gurwinder Singh @ Rajbir @ Buttar at the time of alleged occurrence. There are also specific allegations against the petitioner that after the occurrence, he helped the main accused to escape from the spot on the motorcycle driven by him. Moreover, learned State counsel has raised an objection that in case petitioner is released on bail, he may influence the prosecution witnesses and hamper the fair trial.

Consequently, there is no option, but to dismiss the petition.



8. Ordered accordingly.
9. The above observations may not be construed as an expression
of opinion on merits of the case in any manner.
- Pending application(s), if any, shall also stand disposed off.

08.11.2024
Rajeev (rvs)

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes