

SUKHWANT SINGH

... PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Kanwalpreet Singh Virk, Advocate, for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

SANJIV BERRY, J (ORAL)

Learned State counsel has filed reply by way of affidavit dated 30.09.2024 of Deputy Superintendent of Police, Kalanwali, District, Sirsa, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. By way of the present third petition filed under Section 439 of the Criminal Procedure Code the petitioner is praying for Regular bail in the FIR detailed as under:-

FIR No.	Dated	Sections	Police Station
121	02.06.2019	147, 149, 302, 120-B IPC and 25 of Arms Act	Kalanwali, District Sirsa

3. Argument heard.

4. It is, *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and have been falsely implicated in this case.



He contends that petitioner was arrested on 06.06.2019 and since then he is in custody, after completion of investigation, challan has already been presented in Court wherein trial is going on. He contends that prosecution has cited 25 witnesses and out of them only 10 witnesses have been examined so far in five years. He submits there are two other criminal cases registered against the petitioner, though he is on bail in both the cases. He submits that conclusion of trial will take long time, as such he prays for grant of concession of bail to the petitioner.

5. *Per contra* learned State counsel referring to the reply submitted by the State and on instructions from ASI Pappu Ram has assailed these arguments by submitting that petitioner armed with pistol along with his uncle co-accused Dalbir Singh inflicted fire arm injuries to Shivkaran Singh @ Nikka and as a result thereof Shivkaran Singh @ Nikka died at the spot. He further contends that the petitioner in connivance with other co-accused had actively participated in the crime and had actively participated in the occurrence resulting in death of Shivkaran Singh @ Nikka, as such he is not entitled for concession of bail. He further submits that petitioner is also involved in two other criminal cases. He submits that after completion of investigation, challan has already been presented in Court wherein out of 25 prosecution witnesses, only 9 have been examined so far and they have supported the case of the prosecution and if the petitioner is granted concession of bail he may tamper with the evidence and may abscond. Hence he prays for dismissal of the petition.

6. After considering the arguments and perusing the record, it has transpired that as per the case of the prosecution that on 02.06.2019 at about

07:30 am when complainant-Harinder Singh his uncle Shivkaran Singh @ Nikka, his two children were performing rituals on the Madhi (temple) of their ancestors, then Dalveer Singh, Raghuveer Singh, Sukhwant Singh-present petitioner, Amandeep Singh, Jaswant Singh having pistol in their hands and others armed with sticks attacked on Shivkaran Singh @ Nikka. Dalveer Singh shot firearam on the waist and Sukhwant shot bullet on the head of Shivkaran Singh @ Nikka and rest of the accused attacked with sticks due to which he died on the spot. When complainant reached near his uncle the assailants ran away with their weapons. Hence FIR was registered.

7. The petitioner has actively participated in the occurrence and has fired bullet shot in the head of Shivkaran Singh @ Nikka as a result of which he died on the spot. After arrest of the petitioner, illegal pistol 315 bore alongwith four empty shells and two live cartridges used in the crime was recovered from the petitioner. As per MLR (Annexure R-1), the cause of death in this case is due to multiple injures found over body of deceased which are antemortem in nature and is caused by fire arm and is sufficient to cause death in ordinary course of life and nature. Therefore, considering the nature and gravity of offence, no case is made out in favour of the petitioner for grant of bail in the present petition, the same is hereby dismissed.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

01.10.2024

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No