

initiated during the course of which accused Lakhwinder Singh @ Lakha was arrested.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“ROLE OF PETITIONER

That as per prosecution case, on the basis of disclosure statement made by co accused Lakhwinder Singh @ Lakha, the name of the petitioner has been nominated as an additional accused. Since the intentional/planned murder of the deceased was the MOTIVE of the petitioner and his associates. The petitioner raised lalkara and encouraged the other accused to murder the Balvir Singh. So, at this stage the allegations as emerged during investigation are grave regarding the murder of Balvir Singh. As per record the petitioner has inflicted multiple injuries on the neck of the Balbir Singh, with the knife. The co-accused/Sandeep Singh @ Seepa has also confessed and disclosed the presence as well as participation of the petitioner in the commission of murder of Balbir Singh in his disclosure statement dated 11-03-2024.

EVIDENCE AGAINST THE PETITIONER

- That as per record, un-rebutted allegations of the murder of Balvir Singh are available in the police record and the co-accused/Sandeep Singh @ Seepa has also ensured the presence as well as participation of the petitioner in the commission of murder of Balbir Singh in his disclosure statement dated 11-03-2024, de-spite the disclosure statement of co-accused Lakhwinder Singh. Another evidence against the petitioner is that he raised lalkara and encouraged the other accused to murder the said Balvir Singh.*
- That after registration of FIR, accused Lakhwinder Singh @ Lakha, was arrested on 05.03.2024 and was produced before the court of SDJM/ Sultanpur Lodhi. The The Ld. SDJM ordered for the police remand of the accused for further investigation. During the course of further investigation, the said accused got recovered the weapon/Takua, by which he inflicted deep sharp injuries on the head of the Balbir Singh as well as the blood smeared shirt and mobile phone of the deceased.”*

7. Regarding the petitioner's claim of alibi, as mentioned in para 7 of the bail petition, there is no explanation that if the petitioner was not present there, then where was he present to enable the police to verify the truthfulness of such stand.

8. A perusal of the bail petition and the documents attached prima facie points

towards the petitioner’s involvement and does not make out a case for bail. The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

9. The petitioner’s custody of around 07 months and 26 days cannot be termed prolonged, given the sentence prescribed for the offense, which is imprisonment for life.

10. The petitioner is aged 71, and the petitioner is not entitled to bail even on age.

11. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

12. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

28.11.2024
Sonia Puri

Whether speaking/reasoned:	Yes
Whether reportable:	No.