

SUNNY

... PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. A.S. Manaise, Advocate for the petitioner.
Mr. Rajinder Singh Bhatta, DAG, Punjab.

SANJIV BERRY, J (ORAL)

By way of the present petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS), the petitioner is praying for anticipatory bail in the event of arrest in FIR detailed as under (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
272	13.09.2022	302, 148, 149 IPC	Civil Lines Batala, Police District Batala, District Gurdaspur

2. Argument heard.
3. It is, *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that no specific overt act is attributed to the petitioner and is not having any criminal antecedents, as such prays for grant of anticipatory bail.
4. *Per contra* learned State counsel referring to the reply



submitted by the State has assailed these arguments by submitting that the petitioner alongwith co-accused have actively participated in the occurrence leading to death of one specially abled person namely Ravinder Singh. He contends that petitioner is specifically named in the FIR and even co-accused Parminder Singh @ Pindi has also, in the disclosure statement, specifically mentioned role played by the petitioner in the occurrence and as such custodial interrogation is required as the matter requires thorough probe. Hence prayed for dismissal of the bail petition.

5. After considering the arguments and perusing the record, it transpires that the instant FIR was registered at the instance of Kulwant Singh father of the deceased, to the effect that deceased had gone on his tricycle in the morning but had not returned and he was being told regarding dead body of a person lying near Balle Balle Palace. He went there and found the dead body of his son. He suspects the petitioner alongwith Akashdeep Singh @ Kali, Miank @ Bagga, Chinni, Parminder Singh @ Pindi, Ranbir Singh @ Bau Sajan and Alla to be instrumental in the murder of his son as they had altercation with Ravinder Singh, thereafter FIR was registered and accused Akashdeep Singh @ Kali, Parminder Singh @ Pindi and Alla were arrested and in the disclosure statement, co-accused Parminder Singh @ Pindi narrated the occurrence and specific role played by the accused including the petitioner to the fact that all the accused getting in rage with the act and conduct of Ravinder Singh had encircled him and gave fist blows and later pushed his tricycle with intention to kill him. As a result he fell down and his head struck on the ground resulting in his death.

6. A perusal of record would reveal that deceased was specially

abled person having movement only with the help of tricycle. The petitioner alongwith other co-accused after having scuffle with him gave fist blows and had pushed his tricycle with intent to kill him, resulting in his death as his head struck the ground and he died on the spot. Therefore, considering the nature and gravity of offence no case is made out in favour of the petitioner for grant of anticipatory bail in the present petition, the same is hereby dismissed.

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

(SANJIV BERRY)
JUDGE

03.12.2024

Gyan

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