

BHUPINDER SINGH @ SHERA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. M.S. Saini, Advocate for the petitioner.

Mr. Rajinder Singh Batha, DAG, Punjab.

Ms. Harpreet Kaur, Advocate for the complainant.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1) :-

FIR No.	Dated	Sections	Police Station
108	03.05.2020	302, 450, 120-B, 148, 149, 411, 482 IPC and 25 of Arms Act, Section 3 of Schedule castes and Schedule Tribes (Prevention of Atrocities) Act	Sadar Kapurthala, District Kapurthala

2. In *nut shell* as per the case of the prosecution the present FIR was registered on the statement of Tirath Singh Numberdar against 22 persons stating that his brother Balkar Singh @ Mantri is having a shop of Bistar Bhandar and on 03.05.2020 at about 6 pm, he saw some persons alongwith some ladies were entering into the shop of his brother wherein Rashpal, Jaswinder Kaur and Mahiner Kaur, and Harnek Singh were raising



lalkara and Bhupinder Singh @ Shera armed with pistol, Harjap Singh armed with datar, Bhulla armed with Datar were dragging his brother Balkar Singh outside the shop and Harjap Singh @ Bhalla had given many blows of datar on the face and arm of his brother and Bhupinder Singh @ Shera had fired on the chest of his brother and he fell down. Considering him dead, all the assailants ran away from the spot alongwith their respective weapons. Complainant with the help of other family members, after arranging vehicle took his injured brother to the Civil Hospital, Kala Sanghian, wherein the doctor declared him dead. Thereafter, the complainant and his family members brought the body of the deceased to home. The motive behind the incident was that he and his brother were witness in the case against the accused party wherein they were attacking the police in the year 2018 and the accused party were pressurizing them and today in connivance with each other they have committed the said crime. On these allegations FIR was registered.

3. It is *inter alia* contended by learned Senior counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the present case and is in custody since 06.05.2020. After completion of investigation, challan has already been presented in Court, as such petitioner is not required for further investigation. He submits though petitioner is involved in 4 more cases whereas he is acquitted in two cases and two are pending. He contends that conclusion of trial will take sufficient long time, hence prayed for grant of bail to the petitioner.

4. Per contra, learned State counsel assisted by learned counsel for the complainant have opposed the bail application by referring to the



reply submitted by the State and contend that there are specific allegations against the petitioner of firing from his pistol on the chest of the brother of the complainant causing his death. They submit that the petitioner is habitual a offender and is involved in 8 other criminal cases. They contend that petitioner alongwith other co-accused have actively participated in the crime, as such he is not entitled for concession of regular bail.

5. After considering the rival contentions and perusing the record, it transpires that petitioner is specifically named in the FIR on the allegations that on 03.05.2020 petitioner alongwith other co-accused had mercilessly attacked with their respective weapons on Balkar Singh @ Mantri, brother of the complainant and petitioner had fired from his pistol which hit him and he succumbed to the injuries. During course of investigation, the alleged pistol used in the occurrence was recovered from the petitioner on his own statement. Some other criminal cases are also pending against the petitioner.

6. It is evident from record that there are specific allegations against the petitioner and co-accused of hatching the criminal conspiracy and killing the brother of the complainant. So considering the nature and gravity of the offence, no case is made out in favour of the petitioner for grant of regular bail at this stage, as a consequence, the petition 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

17.02.2025

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