
(2012) 09 P&H CK 0226

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-17198 of 2012 (O and M)

Baljit Singh @ Bali

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 13-09-2012

Acts Referred:

Arms Act, 1959 — Section 25
Criminal Procedure Code, 1973 (CrPC) — Section 439
Penal Code, 1860 (IPC) — Section 302, 34, 392, 397

Citation : (2012) 09 P&H CK 0226

Hon'ble Judges : Ram Chand Gupta, J

Bench : Single Bench

Advocate : R.K. Handa, for the Appellant; Neelam, A.A.G., Punjab and Mr. R.K. Dadwal, Advocate for Complainant, for the Respondent

Final Decision : Dismissed

Judgement

Ram Chand Gupta, J.—This order disposes of both the afore-mentioned petitions filed u/s 439 of Code of Criminal Procedure for grant of regular bail to the petitioners in case FIR No. 21 dated 27.03.2010 under Sections 302, 397 read with Section 34 of Indian Penal Code and Section 25 of Arms Act, 1959 registered at Police Station Hazipur, District Hoshiarpur. I have heard learned counsel for the parties and have gone through the whole record including the impugned orders passed by learned Addl. Sessions Judge, Hoshiarpur, dismissing the bail applications filed on behalf of the petitioners.

2. Briefly stated, it is a case of cold blooded murder during day time. On 27.03.2010, deceased Narinder Singh was coming in Alto car No. PB54-C-3007. At about 2.45 PM, his car was intercepted by two persons riding on a motorcycle. Gun shots were fired and the Alto car bearing No. PB54-C-3007 was taken away and a sum of Rs. 1,88,000 was also taken away by them which was kept in a suitcase (Attachi) lying in the said car.

3. During investigation, petitioner-accused Baljit Singh @ Bali was arrested in

FIR No. 48 dated 11.05.2011 under Sections 392 IPC, registered at Police Station Mukerian. During interrogation, he disclosed that he along with co-accused Inderpal had intercepted the said car, committed murder of the person who was driving the said car and had taken away the car along with Rs. 1,88,000 and that later on car was left at Ajnala Road at some distance. Petitioner-accused Inderpal was also arrested. During interrogation, motorcycle which was used by both the petitioners-accused for committing the crime was recovered as per disclosure statement of petitioner Baljit Singh @ Bali, which was being driven with a fake number plate. Further as per prosecution case, a pistol along with seven live cartridges were recovered from petitioner-accused Inderpal. Some empty shells of cartridges were also taken in possession from the place of occurrence and as per report of Forensic Science Laboratory, the said empty shells were of the cartridges fired from the said pistol which was recovered at the instance of petitioner-accused Inderpal.

4. It has been contended by learned counsel for the petitioners-accused that there is no evidence against petitioners-accused and that they have been continuing in custody since 21.08.2011.

5. On the other hand, bail applications have been opposed by learned counsel for the State as well as learned counsel for the complainant on the plea that it is a case of circumstantial evidence and that sufficient evidence has come against the petitioners-accused.

6. Investigation in this case has already been completed, challan filed, charge framed and one witness has also been examined and case is fixed for remaining evidence of prosecution. Hence, keeping in view the afore-mentioned facts and circumstances of the case and without expressing anything on the merit, I am of the view that it is not such a case in which concession of bail should be granted to the petitioners-accused. There is no merit in both the afore-mentioned applications for bail filed by petitioners Baljit Singh @ Bali and Inderpal Singh. The same are, hereby, dismissed.