

**In the court of Sardar Harjeet Singh, Additional Sessions Judge,
Moga. (UID No.PB0131)**

CIS No.BA/2741/2023

CNR No.PBMO010071262023

Date of Decision: 04.12.2023

State of Punjab

Versus

Shubham Kumar son of Raj Kumar, resident of Pandori Gate, Ward No.1,
Dharamkot, Tehsil Dharamkot, District Moga.

...Accused/Applicant

FIR No.287 dated 22.12.2022,
Under Sectiona :- 302,307,427,148,149,34 IPC
and Section 25/27/54/59 of Arms Act,
Police Station :- Dharamkot.

Bail application under Section 439 Cr.P.C.

--

Present :- Shri Tejinder Kumar, Advocate, for applicant/accused
Shri Amrit Mittal, Additional Public Prosecutor for the State

ORDER

Vide this order, I intend to dispose of bail application under
Section 439 Cr.P.C filed by applicant-accused in the FIR mentioned above.

Main file received and perused.

Learned counsel for the accused/applicant argued that the accused
applicant has been falsely implicated in this case. No offence is made-out
against the accused/applicant. Applicant/accused is in judicial custody since
24.01.2023. The complainant and eye-witnesses have turned hostile and have
not supported the case of the prosecution. The completion of trial will take
long time and no useful purpose would be served by keeping the
accused/applicant behind the bar for indefinite period. Lastly, he prayed that
applicant-accused be released on bail.

On the other hand, learned Additional Public Prosecutor for the State argued that serious allegations have been leveled against the accused/applicant that he alongwith co-accused committed the murder of Harpreet Singh and also caused injuries on the person of complainant Arshdeep Singh. It is not a fit case where concession of bail can be granted to the accused/applicant. Lastly, he prayed that bail application be dismissed.

I have considered the submissions of learned Counsel for the applicant-accused and learned Additional Public Prosecutor for the State.

Perusal of record shows present FIR was registered on the statement of complainant Arshdeep Singh @ Ashu son of Jagraj Singh, wherein he has stated that he is working as mechanic in Sonalika Factory at Khosa Pando. Harpreet Singh @ Happy is his friend, who is running a pigeon shop at bus stand Dharamkot. Harpreet Singh had to take ₹ 15,000/16,000 from Rupinder Singh @ Akashdeep @ Kaka and he was demanding the same for the last one month. In the night of 21.12.2022, He alongwith Gurpreet Singh, brother of Harpreet Singh, Sarabjit Singh son of Subeg Singh were sitting at the shop of Harpreet Singh, at about 8.15 p.m. after closing the shop they went to take motor-cycle of Harpreet Singh, then in the meantime from the side of bus stand, one Swift Dzire car, in which Rupinder Singh @ Akashdeep Singh @ Kaka armed with 32 bore pistol, Savinder Singh @ Shiva armed with sword, Kulbir Singh armed with sota, Shubham armed with baseball, Sunny who is nephew of Kaka Noor armed with baseball, alighted from the vehicle, and six unidentified persons armed with dangs, on three motor-cycles also came and Savinder Singh @ Shiva raised lalkara claiming that he should be taught a lesson to Harpreet Singh for demanding the money.

In the meantime, Rupinder Singh @ Akashdeep Singh fired a shot with pistol towards Harpreet Singh which struck on right side of his chest and when he came forward to oppose the same, Rapinder Singh pointed out his pistol towards him and when he came forward then he fired a shot upon him with intention to kill him, which struck on his right thigh. They all raised alarm and all the persons along with motorcyclists caused damage to shop of Harpreet Singh and ran away from the spot. Balwinder Singh son of Harcharan Singh came at the spot, who arranged the vehicle and admitted them to Civil Hospital, Moga, where doctor declared Harpreet Singh brought dead and he was treated by doctors.

Serious allegations have been levelled against the accused/applicant that he along with other co-accused committed the murder of Harpreet Singh and also caused injuries on the person of complainant Arshdeep Singh. Moreover, turning hostile of some of the witnesses shows that accused/applicant along with other co-accused are trying to influence the prosecution witnesses. So, keeping in view the gravity of offence alleged to have been committed by applicant-accused and serious allegations leveled and the manner, in which, the offence was committed, it is not a fit case where concession of regular bail can be granted to the applicant-accused. Regular bail application of co-accused As such, bail application is hereby dismissed. Bail application file be attached with main file.

Pronounced.
04.12.2023.
(Jagjit Singh Panesar, Stenographer-I)

(Harjeet Singh)
Additional Sessions Judge,
Moga. **(UID No.PB0131)**