

IN THE COURT OF SH. JASVIR SINGH KANG,
(UID No.PB0073) ADDL. SESSIONS JUDGE, LUDHIANA.

B.A. No. 177 of 19-4-2018
CIS No. BA / 2995 / 2018
CNR No. PBLD01-008322-2018
Date of order : 9-5-2018

State	Versus	Kudleep Singh Bhullar, aged 53 years, son of S.Gurbachan Singh, R/o H.No.126, Jandali Road Ahmedgarh, District Sangrur.
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FIR No. 91 Dated 25-7-2016
U/s 302, 307, 447, 506, 511, 120-B, 34 IPC
P. S. : Dehlon, Ludhiana.

Present: Sh. J. S. Warraich, Adv., Counsel for applicant-accused.
Sh. B. D. Gupta, Addl. PP for State.

ORDER

Applicant-accused Kuldeep Singh Bhullar filed this bail application stating that it is the first bail application U/s 439 Cr.P.C. He has been falsely implicated in this case. Case was registered on the statement of Sharda Bansal. She had not named the applicant and no overt act has been attributed to the applicant-accused as per the version mentioned in the FIR. Police has implicated the applicant by recording supplementary statement of Sharda Bansal of their own. Even the said supplementary statement on many points contradicts her previous statement. None of the witness whose statements recorded U/s 161 Cr.P.C named the applicant. Even no facial description such like age, height etc. of the applicant has been given. Applicant-accused is lying in custody for

the last more than twenty months. Still neither charge has been framed nor evidence has been recorded in this case. One of the co-accused Abhishek Jindal is already on bail. Case was investigated by ACP(Crime) Economic Offence Wing, Ludhiana. During his enquiry, it came into light that Raj Kumar accused was alone was present at the time of incident and after the incident, he left that place leaving behind his Activa scooter and thereafter, he called applicant Kudleep Singh Bhullar on phone and Kuldeep Singh Bhullar applicant had taken Raj Kumar in Alto Car. So far as enquiry conducted by ACP, only applicant-accused attributed to have taken Raj Kumar alleged main accused, in his Alto Car. So, applicant is not guilty for the alleged offence U/s 302 IPC, 307, 447, 506, 511/120-B of IPC. Disposal of the case will take considerable time. No useful purpose will be served by keeping the accused in custody for all this period. He undertakes to abide by any of the condition imposed upon him by the court if he is granted concession of bail.

2. On notice of the bail application, learned Addl.P.P for State appeared and this fact has been brought to the notice of the court that trial of this case is pending in this court. So, bail application was ordered to be put up for today i.e. 9-5-2018 alongwith the main file.

3. Today bail application has been put up alongwith the main/trial file. The main contention of learned counsel for applicant-accused is that no overt-act in the alleged occurrence of alleged murder has been attributed to the applicant-accused in the FIR. During the investigation in the alleged supplementary statement of the complainant

and enquiry conducted by higher police officer the alleged role of the present applicant-accused stated to have come into light that after committing the occurrence of murder by alleged Raj Kumar, main accused of this case, he after leaving his Activa Scooter left that place and made phone call to applicant-accused Kudleep Singh Bhullar, who brought his Alto Car and took Raj Kumar by giving him lift in said car away from the place of occurrence. Applicant-accused is in custody for the last about one year and nine months. Trial is at its initial stage. He may be given benefit of regular bail. In support of his contentions learned counsel for the applicant-accused has relied upon law laid down on ruling titled “**Joginder Singh @ Lala Vs. State of Punjab**”, 2016(4) **Law Herald (P&H) 2824**, wherein it has been laid down that bail application U/s 439 Cr.P.C., offence U/s 302 & 307 IPC. Petitioners were in custody for more than two years and not a single witness has been examined. Petitioners were not attributed the single injury to the deceased. Hon'ble High Court granted bail.

4. On the other hand, learned Addl.PP for State submitted that nature and gravity of offence are serious in nature. Manner of occurrence is also very serious. He further submitted that FIR of the present case was registered under Sections 302, 307, 447, 506, 511/120-B/148/149 of IPC and 25/27-54-59 of Arms Act, on the allegations that complainant was having marriage palace in the area of Village Pohri. They have also purchased land measuring 30 Bighas in the village and are owners in possession of the same. Son of the complainant Pankaj Bansal and her

daughter Kamini are settled in abroad. Raj Kumar, Ram Kumar both sons of Des Raj, Anita wife of Raj Kumar, Darshana Devi wife of Des Raj, Abhishek son of Ram Kumar, Usha Rani wife of Harmesh Kumar, Shubham son of Harmesh Kumar, all residents of Dashmesh Nagar, Mandi Ahmedgarh, were forcibly & illegally intending to take possession of the land of the complainant regarding which complainant party filed application/complaint before higher authorities and even application filed by Raj Kumar accused was found false by the higher authorities. Complainant alongwith her husband had gone to foreign country to meet their children and came after two months. Then on 21-7-2016 in the night time when they reached in their house, they found that the passage which was left by them for approaching to their house was dug out. In the morning, Raj Kumar, Ram Kumar alongwith their other family members alongwith three/four persons came on vehicle with the intention to take possession tried to raise construction. Then husband of the complainant and neighbourer Shakti Sharma tried to stop them. Sanjay, servant of complainant also reached there. Then all the above said accused started giving Lalkaras and Raj Kumar after taking out pistol from his pocket made direct fire towards Dharam Pal, husband of complainant, on left side of his chest. Complainant and Sanjay came forward for rescue of Dharam Pal. Then Abhishek, Shubham and Darshan Kaur caught hold of them and other co-accused gave fist blows. Then Raj Kumar stated to have made another fire with his pistol with intention to kill Sanjay, which hit on his right arm. Then Ram Kumar became very angry and he after taking pistol

from the hand of Raj Kumar made another fire shot towards Dharam Pal, but he raised his arm to save himself and fire shot hit on the right side of the chest. In this way, Dharam Pal stated to have died due to said fire shot injury. Sanjay also suffered injury with the fire arm. In this way, present FIR was registered. Further during the supplementary statement of the complainant, applicant-accused Kuldeep Singh Bhullar also nominated out of the other unknown persons and further during enquiry this fact is stated to have come into light that applicant-accused was called by Raj Kumar after committing of the occurrence and applicant-accused had taken Raj Kumar in his Alto Car by giving lift. Investigating agency after completing investigation filed challan against accused Raj Kumar and Kuldeep Singh Bhullar while mentioning the names of other co-accused in column No.2, who stated to have found innocent at that time. But, during the proceedings of the case prosecution/complainant filed application under Sections 190, 195 Cr.P.C for taking cognizance of the offence as sufficient material has come on the file against them showing their involvement. Vide order dated 5-8-2017, the other co-accused whose names were mentioned in Column No.2 of the challan, were ordered to be summoned. For procuring their presence, case was earlier remained pending. Their anticipatory bail applications were dismissed up to Hon'ble High Court. But, the Hon'ble Supreme Court on their said leave petition has passed the order that no coercive step shall be taken against them, which order has been confirmed by the Hon'ble Supreme Court and case is pending for further proceedings.

5. Perusal of whole above said material shows that nature of the offence involved is very serious. Murder of one person namely Dharam Pal has been caused in the occurrence and further injuries with intentions to kill with fire arm are stated to have made to Sanjay. Though the injury has been attributed mainly to accused Raj Kumar and another co-accused Ram Kumar, but specific allegations and version came in the supplementary statement of the complainant as well as the finding in the enquiry report of the higher police officer regarding involvement of present applicant-accused Kuldeep Singh Bhullar has come on file with the allegations that Raj Kumar called Kuldeep Singh Bhullar applicant, who had taken Raj Kumar in his car by giving lift. In this way accused had fled away from the place of occurrence. As per the version of the complainant in connivance with the applicant-accused under a conspiracy, they committed alleged occurrence. In view of all these circumstances, simply on this ground that applicant-accused is in custody for the last about twenty months and no specific injury has been attributed in this occurrence, cannot be said to be such type of ground for giving benefit of regular bail as the offence is serious. Moreover, still trial is to start. Evidence of the prosecution will be recorded. If applicant-accused will be given benefit of bail, there is every apprehension that applicant-accused will try to influence the witnesses or tamper with the prosecution evidence. So, the stage at which the trial is pending, is such proceedings that it does not warrant of giving benefit of bail to the applicant. So, keeping in view all the facts & circumstances, this court has come to the

conclusion that it is not in the interest of justice that applicant-accused may be given benefit of regular bail. Accordingly, present bail application filed U/s 439 Cr.P.C by applicant-accused Kuldeep Singh Bhullar is dismissed and stands disposed off. Papers be attached with the main file of the case.

Pronounced in open Court.

9th May, 2018

Mukesh Kumar
Stenographer-I

(Jasvir Singh Kang)(UID No.0073)
Addl. Sessions Judge, Ludhiana.