

PBPO010033242022



In the Court of Sh.Mohammad Gulzar,
Sessions Judge, Pathankot.

(UID No. PB-0063)

BA No.	:	349 / 2022
CIS BA No.	:	1076 / 2022
CNR No.	:	PBPO010033242022
Presented on	:	23.11.2022
Registered on	:	23.11.2022
Decided on	:	30.11.2022

Arun Kumar @ Pintu @ Kadshi, aged about 33 years son of Ganesh Dass @ Kuka, resident of village Gharota, P.S.Sadar, Tehsil and District Pathankot.

...Accused/Applicant.

Versus

State of Punjab
...

...Respondent.

FIR No.31 dated 15.03.2021.
Under Section 302, 34 IPC
read with Section 27-30-54-59 Arms Act.
Police Station Sadar Pathankot.
...

First Bail application under section 439 Cr.P.C.

...

Present: Sh.Sourabh Ohri Adv., counsel for the accused / applicant.
Sh.Jatinder Pal Singh, Addl. Public Prosecutor for the State.

ORDER:

1. This order of mine shall dispose of an application under Section 439 Cr.P.C for regular bail moved on behalf of accused / applicant Arun Kumar @ Pintu @ Kadshi son of Ganesh Dass @ Kuka, resident of village Gharota, Police Station Sadar, Tehsil and District Pathankot in case FIR No.31 dated 15.03.2021 registered under Section 302, 34 IPC read with Section 27-30-54-59 Arms Act at Police Station Sadar Pathankot.

2. Brief facts of the case of the prosecution are that the present FIR has been registered on the statement of complainant Bikram Singh son of Labh Singh, resident of New Colony, Ladochak Ward No.41, Police Station Division No.2 Pathankot, District Pathankot to the effect that he is doing the work of constructing the bodies of truck. They are two brothers and one sister. He is the eldest one. His father Labh Singh son of Jarnail Singh, aged 62 years has been retired from Bank. They owned land in village Gharota Khurd and his father used to reside in the shed built in the said land and was also doing agricultural work there. For the last 3-4 days his father came to New Colony Ladochak. On 14.03.2021 at about 09.00 AM, his father went to village Gharota Khurd and stayed in the shed in the night. On 15.03.2021 at about 07.30 AM, his uncle Kulbir Singh son of Jarnail Singh made a telephone call to him that as usual at

about 07.00 AM, he went to his Haveli in order to fetch the animal milk and saw that his brother Labh Singh was residing in the shed. The door of the shed was open and his brother Labh Singh was lying on the floor of the shed. He was dead. After receiving the information from his uncle Kulbir Singh, he reached at the spot alone on his Car where his uncle Kulbir Singh, his son Pardeep Singh and one Gurdeep Singh were already present in the Haveli. They saw that left side of the face of Labh Singh was full of blood. They thought that he had died due to blood vomiting. They brought him back to the house in a blanket on his Car. When they were going to remove his wearing clothes for performing his last rites, they saw that there was a deep wound on the right side of his abdomen and his intestines were also come out. He has full confidence that due to some personal enmity, his father was murdered by some unknown persons with gun shot or sharp edge weapon. He along with his family members deposited the dead body of his father in the mortuary of Civil Hospital Pathankot where his postmortem was conducted showing an entry wound 5 CM X 4 CM present over right flank region situated 10 CM away to Mid Line 20 CM below right nipple line in right subcostal region blackening present over edges a wound in verted under line issue embedded in the wound abrasion ring present. During the investigation Karan Singh suffered disclosure statement that he has killed Labh Singh with his licensed 12 bore Rifle in furtherance of common intention with Arun Kumar. During the investigation Surekha wife of Sham Singh

suffered statement that her husband Sham Singh and deceased Labh Singh were close friends. Karan Singh was having suspicion that Labh Singh is creating hindrance in arriving the compromise regarding the dispute of land between Sham Singh and Karan Singh besides other brothers regarding the joint land. Statement of Bahadur Singh was also recorded during the investigation that on 14.03.2021 when he was returning to his village Gharota at about 9:30 PM he saw that Karan Singh and Arun Kumar were going towards the shed of Labh Singh. He saw that Karan Singh was holding a Rifle in his right hand. During the investigation licensed Rile 12 bore and cartridges were recovered by the police.

3. Notice of bail application was given to the State. Police record was requisitioned and received.

4. I have heard Ld. Counsel for the applicant / accused and Ld. Additional Public Prosecutor for the State and have also perused the police file.

5. Ld. Counsel for the applicant / accused has argued that initially the FIR was at first registered under Section 302,34 IPC read with Section 27,30,54,59 Arms Act. The accused has been falsely roped in the present case by the complainant party in connivance with the local police. There is no specific role played in the commission of any alleged offence

by the accused. After the presentation of challan, the trial commenced and the prosecution evidence has almost concluded. He further argued that no incriminating material has come on record during the trial to put the accused behind bars. There are many discrepancies in the statements of the witnesses from that of the investigation of the police in the present case. Even in the statements of the witness's nothing incriminating has come against accused Arun. Even not a single witness had named the present accused Arun during their deposition in the Court. The accused is in custody since 15.03.2021. He prayed for concession of regular bail.

6. On the other hand, Ld Additional Public Prosecutor for the State has strongly opposed the bail application on the ground that accused/ applicant has committed a serious offence. Keeping in view the gravity of the offence, he is not entitled to the benefit of regular bail.

7. After considering the rival contentions of Ld. Counsel for the applicant and Ld. Additional Public Prosecutor for the State; allegations against the applicant are that accused Arun Kumar in furtherance of common intention with Karan Singh committed murder of Labh Singh with 12 bore Rifle of Karan Singh. The contention of counsel for the applicant is that the applicant has been falsely implicated in this case is not tenable at this stage and it is to be seen during the trial. Without commenting on the merit of the case and keeping in view the gravity of offence, I do not deem it a fit case for grant of concession of bail to the

applicant. Consequently, the bail application filed by the applicant is dismissed. Papers be tagged with the main trial.

Pronounced in the Open Court.

Date of Order: 30.11.2022

**(Mohammad Gulzar)
Sessions Judge
Pathankot**

(Ajay Kumar)
Stenographer-1

(UID No. PB-0063)

“I attest to the accuracy and authenticity of this document.”