

**IN THE COURT OF ATUL KASANA, ADDITIONAL  
SESSIONS JUDGE, LUDHIANA.**

**(UID No.PB0085).**

B.A No.16 of 31.5.2017

CIS No.BA/3711 of 2017

Decided on: 7.6.2017

State of Punjab

Versus

Rahul Sharma alias Rocky son of Shri Shashi Pal, resident of H. No.3216,  
Gali no.4, Ajit Colony, 33 Futa Road, Giaspura, Ludhiana.

.... Applicant/Accused

FIR No.99 dated 26.7.2016

U/S: 302, 307, 452, 324, 148, 149 IPC

P.S. Haibowal, Ludhiana.

**Bail application under Section 439 Cr.PC for grant of regular bail.**

Present :      Shri Ashok Lakhanpal Adv., counsel for the applicant/accused  
                    Sh. APS Virk, Addl. P.P. for State

**O R D E R**

1.              This order of mine shall dispose of bail application under Section 439 Cr.PC filed by the applicant/accused named above in case FIR No.99 dated 26.7.2016, under Section 302, 307, 452, 324, 148, 149 IPC, P.S. Haibowal, Ludhiana.
2.              Notice of the bail application was issued to the State and record of concerned police station was requisitioned.
3.              Learned counsel for the applicant submitted that applicant

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have been falsely implicated in the present case and that he is in custody since 22.1.2017. He has further been submitted that infact FIR has been got registered against the unknown persons and the complainant has thereafter named the applicant as one of the assailants and stated that he has traced out the applicant to be assailant and that there was no other evidence to connect the applicant with the crime. On these submissions, he has prayed for grant of bail to the applicant.

4.            Above submissions have been opposed by learned Addl. PP for State while submitting that the applicant/accused has been named by the complainant who has seen the applicant/accused while committing murder of Gurinderjit Singh. He further submitted that the case was fixed for consideration on charge and that grant of bail at this stage could hamper the trial. On these submissions, he has prayed for dismissal of the bail application.

5.            I have considered the submissions of Learned counsel for the applicant as well as Ld. Additional PP for State and have perused the record.

6.            In the present case, FIR was got registered at the instance and on the statement of Baljit Singh. It is in accusation that 26.7.2016 at about 3:30 A.M the complainant watering the fields near to his house and suddenly he heard the voices (bachao-bachao) from his house and in the meantime he saw that 8/10 persons armed with deadly weapons ran towards the main road after hearing the voice of the complainant who after

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sitting in the car of white colour and on motorcycle went towards Ludhiana side and when the complainant entered in his house, he saw that his nephew Gurinderjit Singh alias Ginda has received injuries on the left hand and left toe with sharp edged weapon and blood was oozing out from the wounds. Other family members of the complainant also received grievous injuries. The complainant with the help of villagers took the injured Gurinderjit Singh and other injured family members to Civil Hospital from where on seeing the critical condition of Gurinderjit Singh, the doctor refereed him to DMC Hospital and admitted the remaining injured persons at Civil Hospital, Ludhiana. Then the complainant took Gurinderjit Singh to DMC Hospital, Ludhiana where the doctor declared him dead.

7.            The allegations against the present applicants/accused is of committing murder of Gurinderjit Singh alias Ginda. The name of applicant/accused has come in the statement of complainant, who had later on been able to trace them and identified them. The trial is pending before this court and is at the stage of hearing arguments on charge. The possibility of the applicant/accused tampering with the prosecution evidence cannot be ruled out. Keeping in view the facts and circumstances as well as serious nature of allegations, and the gravity of offence, this court is of opinion that applicant/accused Rahul Sharma does not deserve the benefit of regular bail. Possibility of influencing the witnesses by the applicant/accused, while out of jail, cannot be ruled out.

8.            Resultantly, application in hand fails and the same is, hereby,

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dismissed. Papers be tagged with the main file.

**Pronounced in open Court**

**(Atul Kasana)**

**Dated: 7.6.2017**

**Addl. Sessions Judge,**

**UID No.PB0085**

**Ludhiana.**

*Gurmeet Singh*

*Stenographer-II*

*Atul Kasana*

*Addl. Sessions Judge, Ludhiana.*