

**IN THE COURT OF SH. RAJNISH GARG,
ADDITIONAL SESSIONS JUDGE,SAS NAGAR (MOHALI).**

CNR No.PBSA01000730-2020

Date of order : 19.02.2020

State of Punjab

Vs.

Akash, aged about 28 years son of Sh.Keel Singh, resident of Janta Colony,
Naya Gaon, Police Station Naya Gaon, Tehsil Kharar, District SAS Nagar
(Mohali).

. ..Applicant/accused

FIR No.36 dated 07.06.2018,
Under Sections 302, 379-B, 148, 149 IPC,
25/54/59 of Arms Act,
Police Station: Naya Gaon.

Application under Section 439 Cr.P.C.

Present : Sh.Ajay Kaushal Advocate, counsel for applicant/accused.
Sh.Jatinderjit Singh, Addl.P.P.for State.

ORDER.

1. This order of mine shall dispose of above said bail application filed by above said applicant under Section 439 Cr.P.C. for grant of regular bail in the aforesaid FIR.
2. Notice of the bail application was given to the State, whereupon learned Addl.P.P. appeared for the State. Record of the case was also called.

3. Brief facts of the prosecution case are that present case was registered on the basis of statement made by Pritam Chand with the allegations that on 07.06.2018 at about 4.35 p.m., he alongwith his brother Mandy went to Shiv Mandir near his house, where applicant-accused Akash, Amandeep, Deepak, Dhiamu, Uddho, Nannu and two other unknown persons came. Above said accused persons took his brother to one side of the street, whereas he waited for him at a distance of few steps. In the meanwhile said accused persons started quarreling with his brother. Accused Deepak held his brother from neck, whereas Amandeep and Nannu gave slaps and fist blows to his brother. Applicant-accused Akash took out a pistol and fired a shot towards his brother, which hit on his left thigh. Applicant-accused Akash again fired bullet on the chest of his brother. Apart from that applicant-accused Akash also fired two bullets in the air. Before leaving the spot, accused Deepak snatched chain and Karra of his brother and accused Uddho took purse of his brother. All the accused persons fled away from the spot. He took his brother to PGI hospital, where he was declared dead. With these allegations present FIR was registered against accused persons. Thereafter, accused Rishab @ Uddao was arrested on 11.06.2018 and he disclosed that on 07.06.2018, he alongwith his friends applicant-accused Akash, Deepak, Nonu, Fouji @ Maan and two unknown persons, who were

friends of Fouji @ Maan had committed murder of Saurav @ Mandy by firing shots towards him. At that time he, Mandy and Fouji @ Mann had fired shots at the deceased. Applicant-accused was arrested on 11/12.06.2018. Since then he is in custody. Hence this bail application.

4. I have heard learned counsel for the applicant/accused, learned Addl.P.P.for State and have gone through the record of this case with their able assistance.

5. As per allegations contained in the FIR, it was applicant-accused who had fired shots towards deceased Sourav @ Mandy and in the air. Thereby he is the main accused and had committed murder of deceased Saurav as per the statement of complainant. Without doubt, subsequently other accused Rishab also disclosed that they had fired shots towards the deceased, but version of complainant cannot be ignored at this stage. Moreover, no prosecution has been examined in this case so far. Even charges have not been framed after presentation of supplementary challan. Therefore, keeping in view gravity of the offence and facts and circumstances of the case, applicant does not deserve concession of bail and releasing him on bail can be a danger to the whole society. Mere length of custody is no ground of grant of bail to the applicant-accused. In view of my above findings, applicant-accused does not deserve concession of bail and present bail application is hereby dismissed

without commenting upon merits of the case. However, observations made above are only for disposal of this bail application and would have no bearing on the merits of the case. Record of the case be returned and file of bail application file be attached with the main file.

Pronounced
Dated:19.02.2020.

Surjit Singh, STG Gr.I

(Rajnish Garg)
Additional Sessions Judge,
SAS Nagar (Mohali).

Present : Sh.Ajay Kaushal, Advocate, counsel for applicant/accused.
Sh. Jatinderjit Singh, Addl.P.P.for State.

Record received and perused. Arguments heard. Vide my separate detailed order of even date, the present bail application stands dismissed. Police record be returned. Bail file be attached with the main file pending before this Court.

Pronounced
Dated:19.02.2020

Surjit Singh, STG Gr.I.

(Rajnish Garg)
Additional Sessions Judge,
SAS Nagar (Mohali).

