

PBBT010057772024



Presented on : 16-05-2024
Registered on : 17-05-2024
Decided on : 07-06-2024
Duration : 0 years, 0 months, 22 days

IN THE COURT OF
Additional Sessions Judge, Bathinda
(Presided Over by Rajiv Kalra, PB0098)

BA/1779/2024

Application for Regular Bail

FIR no. 183 dated 16.09.2023
Under section 302, 120-B IPC
PS Canal colony, Bathinda

State

VERSUS

Sachin son of Ram Charan resident of Gali no. 11, Paras Ram Nagar,
Bathinda (now confined at Central Jail, Bathinda).

Shri Rohit Khattar, Legal Aid Defence Counsel, for the applicant.
Shri Aseem Goyal, Public Prosecutor for the State.

ORDER
(Delivered on 07.06.2024)

(1) The regular counsel for applicant did not appear for successive dates and on the request made by this court, Sh. Rohit Khattar, Legal Aid Defence Counsel, agreed to assist this court in representing the applicant for adjudication of his bail matter.

(2) The applicant, Sachin, has filed instant application under Section 439 of the Criminal Procedure Code (CrPC) seeking regular bail

in FIR No. 183 dated 16.09.2023 under Section 302, 120-B of the Indian Penal Code (IPC) at Police Station Canal colony, Bathinda.

(3) The case was registered on the statement of Sohan Singh wherein he disclosed before the police that on 15.09.2023, his son Akash accompanied by Sachin and Abhishek, went to attend the birthday party of their friend. Co-incidentally, the complainant followed them and at about 9.45 PM, he saw Sachin and Abhishek holding his son from arms in a vacant plot situated near Shiv Mandir. In the meantime, a group of 8/9 boys came on two motorcycles and the occupants of motorcycles were Akash @ Bohemia armed with Kirpan, Ajay armed with rod, Abhey armed with Danda, Honey armed with Danda and Muneet @ Mani empty handed. One Alto car also came there occupied by accused Manpreet Singh @ Billa and Honey @ Kekra. Accused Akash raised exhortation to teach a lesson to the son of complainant for quarreling with them and while saying so, he gave kirpan blow on the head of his son and he fell down on the ground. Thereafter, he was given multiple blows by the other accused with their respective weapons apart from kicks and fist blows. His son raised alarm which attracted Gurmeet Singh and other people at the spot. Then all the accused fled away from the spot with their respective weapons.

(4) The complainant brought his son to Civil Hospital, Bathinda where he was declared dead. The complainant further narrated the motive for occurrence that co-accused Akash @ Bohemia had an evil eye on the daughter of complainant and due to this reason, his son quarreled with the

accused. Out of such grudge, the applicant in consultation with co-accused committed murder of his son.

(5) Based upon such information, an FIR under Sections 302, 120-B IPC was registered. After completion of investigation and other formalities, the police submitted challan, whose corresponding trial titled as *State vs. Akash @ Bohemia & others*, SC/41/2024, is pending in this Court at the stage of charge.

(6) The applicant has moved previous application (BA/829/2024) for regular bail, which was withdrawn on 21.03.2024 and now he has moved this court again for grant of regular bail.

(7) I have heard the respective contentions of both sides.

(8) The learned counsel for the applicant argued that the applicant has spent substantial period behind bar from the date of his arrest. Applicant was neither armed with any weapon, nor he has any role in causing injuries to the deceased. It is further submitted that the presence of applicant is required for trial purpose only and the trial is still at initial stage and its completion will take considerable time. With these submissions, a prayer is made for extending the benefit of regular bail to the applicant.

(9) The request for bail is however, opposed by learned Public Prosecutor on the premise that prosecution has not concluded the evidence so far and it is not appropriate stage for release of applicant on regular bail and prayed for dismissal of the bail application.

(10) I have considered the rival submissions of both the parties.

(11) There are serious allegations against the applicant for hobnobbing with a group of accused and committing intentional murder of a young boy named Akash. Even there are specific allegations against the applicant that he and Abhishek held deceased Akash from arms in a vacant plot situated near Shiv Mandir facilitating other accused to inflict injuries to him. Keeping in view the seriousness of allegations and the severity of punishment attached thereto, the court does not find it appropriate to extend the benefit of regular bail to the applicant despite long period of custody in this case.

(12) Consequently, the bail application stands dismissed.

(13) Nothing said hereunder this order shall be considered as final opinion touching the merits of the case and these observations are strictly relevant for disposal of the instant bail application.

(14) Records be attached with the main trial file.

PRONOUNCED IN OPEN COURT ON 07 JUNE 2024

Rajiv Kalra (PB0098)
Additional Sessions Judge, Bathinda

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