

PBGD010060812019



Presented on : 23-05-2019
 Registered on : 23-05-2019
 Decided on : 27-05-2019
 Duration : 0 years, 0 months, 4 days

IN THE COURT OF
Additional Sessions Judge, at Gurdaspur
(Presided Over by Sh. Jatinder Pal Singh Khurmi)

CNR No. PBGD01-006081-2019

CIS No. BA-1420-2019

Bail application No.269 of 23-05-2019.

Gurdeep Singh son of Shinder Singh, resident of Village Khojkipur, Tehsil
 Batala, District Gurdaspur.

.. Accused-applicant.

Versus

State of Punjab

...Respondent.

FIR No. 01, dated 03-01-2019,
 Under Sections: 302/34 IPC.
 Police Station: Sri Hargobindpur.

1st Application Under Section 438 Cr.P.C for granting anticipatory.

Present: Shri R.S.Boparai, Advocate, counsel for accused-applicant.
 Shri J.P.Bains, Additional Public Prosecutor for the State.

ORDER

Vide this application, applicant Gurdeep Singh has sought concession
 of pre-arrest bail in a case arising out of FIR No.01, dated 03-01-2019, under
 Section 302 read with Section 34 of Indian Penal Code, registered at Police
 Station, Sri Hargobindpur, Tehsil Batala, District Gurdaspur.

2. Notice of the bail application was issued to the respondent-State and the record has been received and perused.

3. The brief facts, as necessary for disposal of instant bail application are that on 03-01-2019, S.I Joginder Singh along with other police officials were on patrolling duty in Government Vehicle bearing registration no. PB-06-AK-1613 and were present at Lightan Wala Chowk, where a telephonic call received from Sarpanch Apar Singh, resident of Village Khojkipur that Kamaldeep Singh @ Sabi has been murdered by some one. On receipt of this information, S.I Joginder Singh along with police officials reached near the house of Kamaldeep Singh @ Sabi, where, in the lane, dead body of Kamaldeep Singh @ Sabi was lying. Then Santokh Singh got recorded his statement with S.I. Joginder Singh that his nephew Kamaldeep Singh @ Sabi aged about 20 years was given injuries with sharp edged weapons by accused Sandeep Singh @ Sipa and accused-applicant Gurdeep Singh, due to which he had died. On the basis of the statement of complainant, instant FIR was registered against the accused. Investigation was commenced and on 09-01-2019 accused Sandeep Singh @ Sipa was arrested while accused-applicant Gurdeep Singh was declared as proclaimed offender. Case property was taken into police possession. Apprehending his arrest, the accused-applicant Gurdeep Singh has filed the instant bail application seeking his pre-arrest bail.

4. Learned counsel appearing on behalf of the accused-applicant has argued that accused-applicant has been falsely implicated in the above noted case against law and facts. He argued that there is delay of four hours in lodging the FIR, which is unexplained, while the Police Station is 6 Kilometer from the place of occurrence and the presence of the complainant is also doubtful at the

spot, as the complainant belongs to another village. He further argued that as there is old enmity is pending between the complainant with father of the deceased and an FIR under Section 307 IPC was registered against the complainant who is real brother-in-law of the father of the deceased and due to old enmity the complainant has lodged false FIR against the accused-applicant to take the revenge. The challan has already been presented in the court which will take long time for its conclusion and no useful purpose will be served by sending the accused-applicant behind the bars. With these submissions, he prayed that the accused-applicant be released on bail in terms of section 438 Cr.PC.

5. On the other hand, the learned Additional Public Prosecutor for the State has opposed the submissions and argued that the allegations against the accused-applicant are very serious as he along with his co-accused Sandeep Singh @ Sipa had murdered Kamaldeep Singh @ Sabi with sharp edged weapons and then hide himself some where and thereafter declared proclaimed offender and he is not entitled to relief of any anticipatory or regular bail. He submitted that keeping in view the gravity and seriousness of the offence, the applicant/accused be not released on bail.

6. Having heard the rival submissions of the learned counsel appearing on behalf of the respective parties, this court find that this is not a fit case where the discretionary relief of anticipatory bail can be granted to the accused-applicant. The allegations against the accused-applicant are very serious as he along with his co-accused Sandeep Singh @ Sipa (who is facing trial) had murdered Kamaldeep Singh @ Sabi with sharp edged weapons and then hide himself some where and thereafter was declared proclaimed offender by the Court. As such, he is not entitled to relief of any anticipatory or regular bail. In

Parminder Singh Versus State of Punjab, 2003(4) RCR (Criminal), 745, it

has been held by our own Hon'ble High Court that once the accused declared proclaimed offender, he is not entitled to relief of any anticipatory or regular bail. However, without expressing any opinion on the merits of the case, but keeping in view the conduct of the accused-applicant and scant respect for the process of law and the allegations levelled against him, this Court does not deem fit and appropriate to allow the bail to the accused-applicant, who intentionally and deliberately remained absent and later-on was declared Proclaimed Offender. Consequently, the bail application in hand stands dismissed. Police papers returned. Bail application file be attached with the main trial case.

Pronounced:
27-05-2019.

(Jatinder Pal Singh Khurmi)
Additional Sessions Judge,
Gurdaspur. (PB0055)

Rajinder Singh, Stenographer-I
CIS No. BA-1420-2019

CNR No. PBGD01-006081-2019

Dictated on :27-05-2019.
Transcribed on :27-05-2019.
checked on : 27-05-2019.
Signed on :27-05-2019.

(Jatinder Pal Singh Khurmi),
Additional Sessions Judge,
Gurdaspur.(UID No.PB0057)