

In the Court of Sh. Daljit Singh Ralhan, Additional Sessions Judge
Mansa. (PB0198)

B.A. No.596 dated 07.11.2019
CIS No.BA/1611/2019
CNR No. PBMN010039222019
Date of order: 08.11.2019

State

Versus

Jagsir Singh @ Jamula aged 21 years son of Gurtej Singh resident of
village Hodla-kalan, Tehsil and District Mansa, now confined in District
Jail, Mansa.

----- Applicant/ accused.

FIR No. 134 dated 02.10.2018
Under Sections: 302, 148, 149, 120-B IPC.
Police Station: Bhikhi District Mansa.

Application for regular bail u/s 439 Cr.P.C.

Present:- Sh. APS Sidhu, Advocate for applicant/ accused.
Sh. B.S. Deol, Addl.PP for the State.

ORDER:

This order of mine will dispose of regular bail application
filed by accused / applicant in case FIR No. 134 dated 02.10.2018, Under
Sections: 302, 148, 149, 120-B IPC, Police Station: Bhikhi District
Mansa on the averments that accused/applicant is innocent. He has been
falsely implicated in the present case. Applicant/ accused is in custody

since 04.10.18. Conclusion of trial will take considerable time. No useful purpose would be served by detaining the accused/ applicant in custody.

2. Notice of the bail application given to State. Ld. Addl. PP for the State appeared and opposed the bail application. Record was summoned.

3. Ld. Counsel for the accused/ applicant pressed bail on the ground that accused / applicant has been falsely implicated in the present case. He further contended that complainant while appearing in the witness box, has not supported the case of the prosecution and he has been declared hostile. He further contended that trial of the case will take long time. No useful purpose would be served by detaining the applicant/ accused in custody.

4. On the other hand, ld. Addl.PP refuted above contentions on the ground that accused/applicant alongwith co-accused has committed the murder of Harbans Singh. Offences are serious and prayed for dismissal of bail application.

5. After hearing respective contentions and perusal of the record reveals the fact that present case was registered on the statement of Jasvir Kaur to the effect that she was having two daughters and one son. Her husband Harbans Singh was going for labour work of drain for the last three/four days in the morning and used to come back at about 6/7:00PM. Yesterday i.e. 01.10.2018 at about 8:00AM, her husband had gone for work, but he did not return. She and her son, searched her husband and also enquired from Raj Kaur and when her son reached at the bridge of

drain near patrol pump, one dead body was lying in the water and thereafter she and her brother in law Darshan Singh including respectable of village, reached on the spot and saw the dead body of her husband and she doubted that some unknown person killed her husband and thereafter thrown his body in the drain. During investigation, Jarnail Singh got recorded his statement to the effect that on 03.10.2018 he was present in his house, then at about 9/10:00PM, Jasvir Kaur, her daughters Amanjot Kaur, Harpreet Kaur and his son Lakhwinder Singh and his friend Jagsir Singh, Gagandeep Singh and Gopal Singh came to him and stated that they had committed the murder of Harbans Singh on 30.09.2018 at about 9/10:00PM and his dead body was thrown in the drain. Darshan Singh brother of deceased Harbans Singh also got recorded his statement to the effect that he has assured that his sister-in-law Jasvir Kaur, nephew Lakhwinder Singh, niece Harpreet Kaur, Jagsir Singh @ Jamula and friends of his nephew namely Gagandeep Singh @ Gaggi, Jagsir Singh, Gopal Singh and Bhupinder Kaur in connivance with each other, had committed the murder of Harbans Singh.

6. As per prosecution version, applicant/ accused in connivance with co-accused has committed murder of Harbans Singh. Main contention of the ld. Counsel for the applicant is that complainant while appearing in the witness box has not supported the case of the prosecution and he has been declared hostile. Perusal of main file reveals that Darshan Singh complainant appeared in the witness box as PW-2. He has been declared hostile on the request of ld. Addl. PP for the State. It is apparent

that accused while in custody have a such influence that they got the complainant Darshan Singh to turn hostile. If applicant/accused is released on bail, he will create hindrance in the trial and will induce and threat the witnesses. Taking into consideration the facts and circumstances, gravity of offence and seriousness of the allegations, this Court is of considered view that accused / applicant does not deserve concession of bail. Consequently bail application moved by accused / applicant Jagsir Singh @ Jamula is hereby dismissed. Record be returned and record of bail application be attached with main file.

Pronounced.
Dated: 08.11.2019.

(Daljit Singh Ralhan)
Addl. Sessions Judge
Mansa.(PB0198)

Avinash

State Vs. Jagsir Singh

Present:- Sh. APS Sidhu, Advocate for applicant/ accused.
Sh. B.S. Deol, Addl.PP for the State.

Arguments on application filed under Section 439 Cr.P.C. seeking bail by accused / applicant, heard. Vide separate detailed order of even date, the same stands dismissed. Record of bail application be attached with main file.

Pronounced.
Dated: 08.11.2019.

(Daljit Singh Ralhan)
Addl. Sessions Judge
Mansa.(PB0198)

Avinash