

Ajab Singh Vs. State

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Court : Delhi

Decided On : Feb-12-1993

Reported in : 1994CriLJ125; 1993(26)DRJ41

Judge : Sat Pal, J.

Acts : [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 439

Appeal No. : Criminal Miscellaneous (Main) Appeal No. 3012 of 1992

Appellant : Ajab Singh

Respondent : State

Advocate for Pet/Ap. : D.C. Mathur,; S.K. Sharma and; G.S. Sharma, Advs

Judgement :

Sat Pal, J.

(1) This is a petition for bail on behalf of the petitioner Ajab Singh under section 439 of Code of Criminal Procedure. It has been stated in the petition that the petitioner is innocent and has nothing to do with the case and further he is not required for any purpose as the charge sheet has already been filed in the Court concerned. The lower court records were summoned and I have perused the same.

(2) Mr. Mathur. learned Senior counsel for the petitioner submitted that deceased Satyabir Singh is alleged to have been killed at about 6.00 Pm on 1st June, 1992 and formal Fir was registered on the same day at 7.40 Pm at P.S.Nand Nagri. As per Fir the murder was stated to have been committed by unknown persons. Mr. Mathur drew my attention to a memo dated 1st June, 1992 addressed to the in charge Mortury G.D.P. Hospital, Sahdara, Delhi written by the then Sho, Nand Nagri wherein it was stated that the deceased has been killed by someone. He further drew my attention to another Memo. dated 2nd June, 1992 again written by the said S.H.O. to the Medical Officer, Mortury G.D.P. Hospital, Shahdara, Delhi wherein it was stated that a few unknown persons had fired on the deceased by two types of weapons causing multiple bullet injuries on him. He also referred to the statement of one Vinod Kumar which bears the signatures of the said Sho dated 1st June, 1992. In this statement Vinod Kumar had stated that he was present at the relevant time when the deceased is alleged to have been killed and he saw 5 persons out of whom he knew three, namely. Ajab Singh, Fakira and Bhagat Singh, getting down from a maruti car and the said three named persons fired on deceased Satyabir Singh and thereafter he ran away because of fear.

(3) Mr. Mathur submitted,that as per the statement of Vinod Kumar dated 1st June, 1992 mentioned hereinabove, five persons including three named ones were involved in the murder of the deceased. But in the Memo. dated 2nd June, 1992, the Sho did not mention any name of the alleged persons though he himself had recorded the statement of Vinod Kumar on 1st June, 1992 and this shows substantial discrepancies in the investigation conducted by the police.

(4) Mr. Mathur further submitted that four persons, namely, Man Singh, Harbir Singh, Promod Kumar Gupta and Satbir Singh Tyagi were arrested on 8th July. 1992 under Tada in Fir No. 179/92 P.S. Timarpur and as a result of disclosure statements of these persons, the petitioner was arrested on 12th July, 1992. It appears that thereafter further investigations have been conducted by the Police in connection with the present case pertaining to Fir 187/92, P.S. Nand Nagri and statement of some more persons including those of Kewal Krishan and Banke Lal were recorded under Section 161 Cr.P.C. In his statement recorded on 20.7.92, Kewal Krishan, inter alias stated that in the last week of May, 1992 he had gone to

the office of the accused Fakir Chand where Ajab Singh (petitioner), Fakir Chand and Kiran Pal were making a conspiracy to kill deceased Satyabir Singh. During this conversation, on a query from the petitioner, Ajab Singh, Kiran Pal told him that Man Singh demanded a sum of Rs.40,000- to kill deceased Satyabir Singh and had assured that on receipt of this amount, he Along with his other companions would kill . Satyabir Singh. Banke Lal in his statement recorded on 6th August, 1992 inter alias stated that at about 6.00 Pm on 1st June, 1992 accused Ajab Singh and Kiran Pal were standing in the compound outside the office of the Executive Engineer. At that time a white Marti Car reached there and Satyabir Singh, Contractor got down from the Car and Ajab Singh and Kiran Pal started talking to Satyabir, Contractor. When they were talking, three persons who were duly armed and one of them was a tall and well built person was holding are volvar, came into the office. At that time Ajab Singh and Kiran Pal after pointing their finger to Satyabir, Contractor went inside the Accounts Branch. Thereafter when Satyabir, Contractor turned towards his car, the said three armed persons started firing on Satyabir, Contractor.

(5) Relying on the facts stated herein above, Mr. Mathur submitted that there are two versions of prosecution contrary to each other and as such the petitioner was entitled to grant of bail.

(6) I have perused the records. I find that as per post mortem report, the death of the deceased is due to shock of firing of multiple bullet injuries. After hearing the learned counsel for the parties, I am of the view that there could have been merit in the submission made by Mr. Mathur, learned counsel for the petitioner, if there had been no further investigation after June, 1992. But as per statements of Kewal Krishan recorded on 20th July, 1992 and statement of Banke Lal recorded on 6th August, 1992, the petitioner along with others is allegedly invoiced both in the conspiracy to kill Satyabir Singh and also his actual killing. In view of these allegations and the gravity of offence, I am of the view that this is not a fit case to grant bail to the petitioner. Accordingly, the petition is dismissed.

(7) The lower court records be sent back to the court concerned.

