

Balkar Singh Vs. State

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Court : Delhi

Decided On : Mar-01-1993

Reported in : 50(1993)DLT80

Judge : R.L. Gupta, J.

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

Appeal No. : Criminal Miscellaneous Appeal No. 2418 of 1992

Appellant : Balkar Singh

Respondent : State

Advocate for Pet/Ap. : Atul Batra,; J. Sethi and; Seema Gulati, Advs

Judgement :

R.L. Gupta, J.

(1) Petitioner has been booked under Sections 302, 307 read with Sections 34, 147, 148 and 149 Indian Penal Code in Fir 158/90 registered in Ps Kalkaji, New Delhi. He applies for bail.

(2) I have heard arguments advanced by learned Counsel for the parties. The case of the prosecution is that on 19-5-90 at about 8 00 a. m. Vijay Kumar and three others were traveling in car No. Dhd 3570. They had come from Mohan Nagar.

The petitioner is one of the employee in a factory, namely, Punj Lloyd & Co. The car was intercepted on the way by the petitioner and other employees of the factory. They exhorted that the occupants of the car be killed. One Ram Kishan, co-accused had a five Lt. tin of Kerosene oil. The liquid was thrown upon the occupants of the car. Suresh Kumar was one of the occupants. He suffered from 35% burns and ultimately succumbed to injuries on account of the burns.

(3) It is contended that at the most petitioner is charged with exhortation and therefore, he deserves to be released on bail. It may be noted that the petitioner was allegedly one of those persons who stopped the car Later on he also gave an exhortation and instigated others on account of which one of them threw the liquid from the tin on the occupants of the car and set them ablaze. therefore, besides exhortation, he was also responsible for stopping the car as is the case of the prosecution.

(4) Then it is contended that in the summary of brief facts, it was not mentioned that Captain Sunil Sharma was also given information. Even it is not mentioned that the petitioner gave an exhortation. At this Stage, it is not possible to attach much importance to these facts and if so, what is the effect of tin- omission. It will be seen only during trial as to why such facts were not mentioned in the summary of brief facts. I do not find any merit in this petition, which is hereby dismissed.