

Ajmer Singh Vs. State

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Court : Delhi

Decided On : Nov-25-1991

Reported in : 46(1992)DLT306

Judge : R.L. Gupta, J.

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

Appeal No. : Criminal Miscellaneous (Main) Appeal No. 2062 of 1991

Appellant : Ajmer Singh

Respondent : State

Advocate for Pet/Ap. : P.P. Graver,; Jatinder Sethi and; S.C. Jain, Advs

Judgement :

R.L. Gupta, J.

(1) The petitioner is being prosecuted under Sections 302/34 Ipc in Fir No. 168 registered in Ps Saraswati Vihar. He applies for bail.

(2) I have heard arguments. The main case of the prosecution is that on 29.4.1991 at about 6.30 Pm while the deceased Sheesh Ram was dragged out of his house by the co-accused Ram Kumar, Balwan and one more person, his wife Roshni Devi tried to intervene. She found Lala, Ajmer and Nanak standing out side. Lala

was armed with FARSA. At that point the petitioner and. Nanak caught hold of the deceased while Lala exhorted Ram Kumar to kill Sheesh Ram. Ram Kumar gave knife blows to the deceased. One Satbir co accused also placed a Gupti on the chest of the deceased at that time.

(3) Contention of the learned Counsel for the petitioner is that it is not the case of the prosecution that petitioner had also caught hold the deceased while blows with knife were given by the co-accused. At the most his role is no more serious than that of Satbir who has been bailed out. I do not agree with this contention. He is alleged to be catching hold of the deceased along with the co-accused Nanak when on the exhortation of Lala, Ram Kumar co-accused gave fatal knife blows to the deceased. thereforee, the contention that according to prosecution's own case the petitioner bad not caught hold of the deceased, is factually wrong. His role is much more than that of Satbir. The examination of the witnesses has not yet commenced, and if the petitioner is released from custody at this stage, he is likely to tamper with the prosecution evidence. thereforee, it cannot be said that it is not the case of the prosecution. It is too early a stage of the case. I am, thereforee, not inclined to grant bail. Petition is dismissed.

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