

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M No.24030 of 2015 (O&M)

Date of Decision: 19.10.2015

Harjinder Singh @ Hari

..... Petitioner

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Bhriugu Dutt Sharma, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
for the respondent along with A.S.I. Baljeet Singh.

JASWANT SINGH, J. (Oral)

The prayer is for grant of regular bail in case FIR No.16 dated 26.03.2011, under Sections 460, 459, IPC and (Sections 302 and 397, IPC added later on), registered with Police Station Mehta, District Amritsar Rural (**Annexure P-1**).

The deceased-Balkar Singh and his injured/wife-Parkash Kaur were assaulted on the intervening night of 24/25.03.2011 at their house, by the petitioner/accused, who is the nephew of deceased-balkar Singh, the wife-Gagandeep Kaur of the petitioner and *Saala* of the petitioner/accused.

The motive of the offence is refusal to pay a sum of Rs.8 Lacs due towards Gurcharan Singh, son of the deceased and Parkash Kaur, who is a resident of Italy, on account of rendering help to one of the relatives of the petitioner/accused for taking him to Italy. The complainant is the daughter of the deceased and injured-Parkash Kaur.

It is contended that initially the FIR was against unknown persons and even the injured/Aunt-Parkash Kaur after one month of discharge from the hospital had named the accused persons as the assailants for ulterior purposes. It is next contended that even on inquiry by an Officer of the rank of Supdt. of Police, the petitioner/accused was found innocent. Be that as it may, it is contended that the petitioner is in custody since 02.01.2014 and the injured-Parkash Kaur for the last one year has chosen not to appear and offer her testimony.

Learned State Counsel, on instructions from ASI Baljeet Singh, is unable to refute the position regarding the abstaining of Smt. Parkash Kaur. He has also filed an affidavit of Sh. Jasdeep Singh, SSP, District Amritsar (Rural), detailing the efforts made to produce the alleged injured/eye-witness-Parkash Kaur.

Without commenting on the merits of the case, keeping in view the custody period and the facts as noticed above, this Court finds that petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate, Amritsar.

Disposed of.

October 19, 2015

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(JASWANT SINGH)
JUDGE