

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM No. M-25044 of 2015 (O&M)  
Date of Decision: 05.08.2015

Malkiat Singh @ Bau

--Petitioner

Versus

State of Punjab

--Respondent

**CORAM:-HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.**

Present:- Mr. Vaibhav Narang, Advocate for the petitioner.

Mr. Rupam Aggarwal, D.A.G., Punjab.

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**TEJINDER SINGH DHINDSA.J**

The instant petition has been filed under Section 439 Cr.P.C praying for grant of regular bail to the petitioner in case F.I.R. No. 214 dated 19.6.2014 under Sections 302, 201, 34 I.P.C, registered at Police Station, Chherretta, District Amritsar.

Counsel for the parties have been heard.

Deceased in the present case is Harjeet Kaur. F.I.R was registered on the statement of Jagir Singh i.e. father of the deceased. Allegations were with regard to deceased Harjeet Kaur having performed love marriage with Jagjeet Singh about 9 years prior to the registration of the F.I.R and son-in-law Jagjeet Singh having harassed and humiliated deceased Harjeet Kaur. Further allegations were raised against son-in-law Jagjeet Singh as having maintained illicit relations with two other ladies. As per initial statement of complainant Jagir Singh, Malkiat Singh i.e. The present petitioner was named in the capacity of being friend of Jagjeet Singh and further allegation was that even Malkiat Singh was resorted to beating deceased Harjeet Kaur. Complainant has further alleged that in February, 2014 he had come to visit his daughter but his son-in-law Jagjeet Singh had

not permitted him to enter the house and thereafter had been evasive as regards the whereabouts of Harjeet Kaur. It was alleged that son-in-law Jagjeet Singh and his friend Malkiat Singh (present petitioner) have killed his daughter Harjeet Kaur and have disposed of the dead body. It has gone uncontroverted that investigation in the case having been completed, the trial has proceeded further inasmuch as out of 25 prosecution witnesses having been cited 17 already stand examined.

It would be apposite to refer to the testimony of PW-2 Jagir Singh i.e. father of the deceased as also PW-12 Sarabjit Singh i.e. brother of deceased Harjeet Kaur. In the testimony of both PW-2 and PW-12 and who in turn would be material witnesses, no role whatsoever has been attributed to the present petitioner. Rather these two witnesses have resiled and have stated that they do not even recognize Malkiat Singh i.e. the present petitioner, who was otherwise present in court.

Under such peculiar circumstances, the question as to whether the offence under section 302 I.P.C would be made out against the present petitioner, would be a moot point.

The petitioner has been in custody since 10.8.2014.

In the totality of circumstances noticed herein above, petitioner is held entitled to the benefit of regular bail. Present petition is, accordingly, allowed.

Petitioner be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate, Amritsar.

Disposed of.

**(TEJINDER SINGH DHINDSA)**  
**JUDGE**

**05.08.2015**

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