

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

**CRM-M No. 25069 of 2015 (O&M)
Date of Decision: 10.09.2015.**

Basant Singh

..... Petitioner

Versus

Gurdev Singh and Another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Paramjit Singh Jammu, Advocate
for the petitioner.

Mr. M.S. Sidhu, Addl. A.G., Haryana
for respondent No. 2/State alongwith SI Nihal Singh.

None for the complainant.

JASWANT SINGH, J. (ORAL)

Prayer is for grant of regular bail in criminal complaint case No. 36-1/11, dated 11.02.2011, under Sections 302, 201, 148 and 149 of IPC, registered with Police Station Ellenabad, District Sirsa (**Annexure P-1**).

It is submitted that regarding the occurrence on 23.09.2010, FIR No. 151, dated 27.09.2010, under Sections 302/201/34, IPC, was registered at the instance of complainant-Gurdev Singh, who is the uncle (Chacha) of the deceased-Ganga Singh, against the present petitioner and his two brothers namely, Jaswant Singh and Baswant singh and two others Gurmail Singh and Gurjeet Singh.

After investigation, challan was presented only against Gurmail Singh and Gurjeet Singh, while the aforesaid three brother including the petitioner were declared innocent. Subsequently, a complaint has been filed wherein all the aforesaid three brothers were summoned vide order dated 19.09.2011 to face trial.

The revision filed by three brothers was dismissed vide order dated 04.01.2012. Thereafter, a quashing petition was filed before this Court, wherein vide order dated 24.04.2012, the stay of further proceedings qua the petitioner(s) was ordered.

It so transpires that prior to that, the petitioner was declared as proclaimed offender on 17.01.2012. On the remedy having unsuccessfully availed against the same, the petitioner surrender before the Court on 15.11.2014.

It is contended that four main witnesses have since been examined and there is no likelihood of tampering the evidence or fleeing from the process of the Court.

None has put in appearance on behalf of the complainant.

Learned State Counsel, on instructions from SI Nihal Singh, concedes that four out of six witnesses have since been examined and the evidence of the remaining is listed for a date in the month of September, 2015.

Without commenting on the merits of the case, keeping in view the period of incarceration and the fact that main witnesses have already been examined, this Court finds that the petitioner/accused-Basant Singh deserves the concession of regular bail and as such, he is ordered to be released on bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Sirsa.

September 10, 2015

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**(JASWANT SINGH)
JUDGE**