

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

**Criminal Misc.No.M-30239 of 2014 (O&M)
Date of Decision: September 11, 2015**

Bhupinder Singh @ Prince

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Navjeet Singh, Advocate,
for the petitioner.

Mr.K.S.Pannu, DAG, Punjab.

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of regular bail to the petitioner, Bhupinder Singh @ Prince, who has been booked for having committed the offences punishable under Sections 148 and 302 read with Section 149, IPC, in a case arising out of FIR No.60, dated 15.04.2013, registered at Police Station, Model Town, Ludhiana.

Learned counsel contends that as per prosecution case, Bakshish Singh alleged to have died on account of the injury sustained by a brick and thereafter, he fell down on the ground from the first floor; six persons including the petitioner have been booked for causing single blow by brick; no specific injury has been attributed to the petitioner; the applicability of Section 149, IPC, would be a moot point during trial. He further

contends that even the applicability of Section 302, IPC, would also be a point to be considered during trial. It has also been pointed out that photocopies of the interim (zimni) orders passed by learned trial Court would reveal that the petitioner is behind the bars from 23.04.2013 and the prosecution has not been able to lead its entire evidence. He further points out that Jaideep Singh (PW1) and Charanpreet Singh (PW-2) have been produced by the prosecution and there are serious flaws in their depositions. He also contends that further incarceration of the petitioner would not be of worth.

Learned counsel for the State, on instructions from SI Mukesh Kumar, Police Station, Model Town, Ludhiana, has not controverted the factual aspects raised by learned counsel for the petitioner. However, he submits that the mobile tower location of the mobile sim of the petitioner would reveal that at the time of occurrence, the petitioner was present near the house of Bakshish Singh (since deceased), therefore, his involvement in the incident of murder is well-proved. The eye-witnesses have also disclosed the involvement of the petitioner in the occurrence.

I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

Applicability of Section 302 read with Section 149,

IPC, would be a moot point during trial. No specific role has been assigned to the petitioner., The petitioner has suffered incarceration for two years and approximately six months and there appears to be no justification for further incarceration of the petitioner.

Keeping in view the totality of the facts and circumstances of the case, the present petition is allowed. Petitioner-Bhupinder Singh @ Prince, s/o late Jarnail Singh, r/o House No.1059, Near Madanjit Nagar, Railway Fatak, Manohar Nagar, Ludhiana, now confined in Borstal Jail, Ludhiana, is directed to be released on bail during pendency of trial of the present case subject to his furnishing bail bond to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

The observations made hereinabove are only for the limited purpose of deciding the present case .

September 11,2015
seema

(Naresh Kumar Sanghi)
Judge