

CRM-M-41575-2014 (O&M)

(1)

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

CRM-M-41575-2014 (O&M)

Date of Decision: February 19, 2015

Kulwinder Singh @ Timbri

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.P.S.Khurana, Advocate
for the petitioner.

Mr.Gurinderjit Singh, DAG, Punjab.

Mr.H.S.Deol, Advocate
for the informant.

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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, Kulwinder Singh @
Timbri, who has been booked for having committed the offences
punishable under Sections 120-B, 148, 302, 307, 326, 382, 427
and 149, IPC, in a case arising out of FIR No.46, dated 16.05.2013,
registered at Police Station, Dayalpura, District Bathinda.

Learned counsel contends that name of the petitioner
was not incorporated in the FIR registered at the behest of

informant- Balbir Singh; the only piece of evidence against the petitioner was the disclosure statement of co-accused Gurtej Singh; though the said disclosure statement cannot be termed as legal evidence against the petitioner, yet in his disclosure statement it has emerged that petitioner was accompanying the persons who had caused injuries to Jaspreet Singh since deceased and Lakhbir Singh, Raju and Balbir Singh, the injured persons. It has also been contended that the petitioner is behind the bars since 26.05.2013 and after completion of the investigation the charge-sheet was presented and thereafter the charges were framed on 14.05.2014 and not even a single witness has been examined by the prosecution.

Learned counsel for the State assisted by Mr.H.S.Deol, learned counsel for the informant, on instructions from HC Kanwaljit Singh of Police Station, Dayalpura, have not controverted the above factual aspects. However, they have opposed the submissions that statement suffered by Gurtej Singh was not admissible in evidence. They further submit that Lakhbir Singh, an injured had also stated to the police that the petitioner was in the company of the main assailants.

I have heard the learned counsel for the parties and

with their able assistance gone through the material available on record.

The admissibility of the disclosure statement of Gurtej Singh would be a moot point during trial. Concededly, the petitioner had not caused any injury to any person. He is behind the bars from 26.05.2013.

Keeping in view the totality of the facts and circumstances of the case, the present petition is allowed. Petitioner-Kulwinder Singh @ Timbri son of Bhajan Singh, resident of village Sidhana, Tehsil Phul, District Bathinda, is ordered to be released on bail during pendency of the trial of the present case subject to his furnishing bail bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Bathinda.

February 19, 2015
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(NARESH KUMAR SANGHI)
JUDGE