

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

CRM-M No. 41982 of 2014 (O&M)

Date of decision : January 22, 2015

Kuldip Singh,

..... Petitioner

v.

State of Punjab,

..... Respondent

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**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI**

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Present : Ms. Ishma Randhawa, Advocate  
for the petitioner.

Ms. Amarjit Kaur Khurana, Addl. A.G Punjab

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1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

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**Ajay Tewari, J (Oral)**

The petitioner seeks grant of regular bail in case FIR No. 153, dated 21.12.2013, registered under Sections 302/201 of the IPC, at Police Station Mehta, District Amritsar.

On 15.12.2014, the following order was passed :-

“ It is the case of learned counsel that bail should be granted to the petitioner because the mother of the deceased, his uncle and his first cousin have resiled from their statements. Learned Addl. AG states that the FIR was got lodged on the statement of the paternal aunt (Bua) who is at present abroad. As per learned counsel for the petitioner it has to be ascertained as to when she will come back as the petitioner has now been held in captivity since the past almost one year. Learned Addl. AG seeks a short adjournment to verify and ascertain when and if the complainant would come to India to give

her statement.

Adjourned to 22.01.2015.”

Today, counsel for the respondent, on instructions from Inspector Davinder Singh, states that the paternal aunt of the deceased is at present abroad and it is not known when her statement can be recorded.

Counsel for the petitioner has argued that actually in the FIR lodged by the paternal aunt, it was only mentioned that the deceased had been killed by strangulation by some unknown person. Consequently, the testimony of the paternal aunt would not have any impact on the guilt or innocence of the petitioner and in these circumstances where even it is not known when her statement can be recorded, the petitioner should be released on bail since he has undergone almost one year of custody.

Custody certificate has been filed by counsel for the respondent and she is not in a position to deny any of the factual submissions made above.

In these circumstances, without commenting upon the merits of the case, I do not deem it appropriate to deny the concession bail to the petitioner. Bail to the satisfaction of the trial Court.

Petition stands disposed of.

**January 22, 2015**

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**( AJAY TEWARI )  
JUDGE**