

CRM-M-5560 of 2015

205

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

**CRM-M-5560 of 2015
Date of Decision: 26.03.2015**

Jagir Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. A.S. Kler, DAG, Punjab.

1. *Whether Reporters of local papers 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?*

RAJ MOHAN SINGH, J.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.78 dated 25.06.2013, under Section 302, 34 IPC, Police Station Sri Hargobindpur, Police District Batala, District Gurdaspur.

The FIR in question came to be registered at the instance of Satwinder Kaur @ Sinder Kaur. The complainant alleged that she

CRM-M-5560 of 2015

has two sons and one daughter and all are married. On 24.06.2013, there was *Shagun* ceremony of Nishan Singh, who is son of her uncle in law. The complainant along-with her son Soni and brother in law Dalbir Singh were returning home after the function. At about 10.30 p.m., when they reached near the house, Jagir Singh son of Roula Singh empty handed, his son Mangal Singh armed with *Khurpa*, his another son Talwinder Singh armed with *Dang* and his daughter Paramjit Kaur armed with *Sota* came there. When he son was urinating under a tree, Jagir Singh raised *Lalkara* to catch hold her son and then Mangal Singh and Talwinder Singh caught hold her son and dragged him to their house. Mangal Singh gave *Khurpa* blow on the left ear of her son, then Talwinder Singh and Paramjit Kaur gave *Dang* and *Soti* blows from their respective weapons. With this prosecution version, the FIR came to be registered.

Learned counsel for the petitioner submits that only Lalkara is attributed to the petitioner and the entire family is facing prosecution. The petitioner is in custody since 28.06.2013.

As against this, learned State counsel states that out of total sixteen witnesses, ten witnesses including the complainant have already been examined and now the trial is fixed for 23.04.2015 for remaining prosecution evidence.

Learned State counsel further states that all the accused dragged the deceased Sony to their house.

Prima facie perusal of the FIR reveals that allegation of dragging has been attributed to Mangal Singh and Talwinder Singh.

CRM-M-5560 of 2015

Without adverting to the merits of the case, this Court feels that since only Lalkara is attributed to the petitioner and no overt act is shown to have been attributed to the petitioner, it would be just and expedient to grant regular bail to him.

Resultantly, the petitioner is ordered to be released on regular bail on furnishing adequate bail/surety bonds to the satisfaction of the Chief Judicial Magistrate, Gurdaspur.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

26.032015.
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(RAJ MOHAN SINGH)
JUDGE