

Sr. No.221

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No.M-10361 of 2016 (O&M)

Date of Decision: 18.05.2016

Malkit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Dheeraj Mahajan, Advocate,
for the petitioner.

Ms. Manpreet Dhaliwal, AAG, Punjab.

Ms. Sushma Chopra, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner seeks benefit of regular bail pending trial in case FIR No.06 dated 02.02.2015, under Sections 302, 380, 34 of Indian Penal Code and Sections 25/27/54/59 of Arms Act, registered at Police Station Kotli Surat Malhi, District Batala.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Harpal Singh. Deceased is Ranjit Singh i.e. son of the complainant. Occurrence is stated to be of 01.02.2015 when the complainant along with his son Ranjit Singh (since deceased), Mandhir and Gurpreet were coming back to the village from the fields. It is stated that the present petitioner along with Parwarta Singh, Varinder Singh @ Babbal and Honey were standing in the way and at that time, the present petitioner raised a *lalkara*. The specific and overt

Parwartan Singh and which hit Ranjit Singh on his face and chest.

Ranjit Singh is stated to have succumbed at the spot on account of firearm injuries.

Motive attributed by the complainant is that marriage of Parwartan Singh was solemnized on 25.01.2015 and on the previous date i.e. 24.01.2015 during the course of a marriage ceremony i.e. "Jago" an altercation between the parties had taken place.

Petitioner in the present case was arrested on 22.02.2015. In the trial that has ensued out of 16 prosecution witnesses cited 03 have been examined till date.

Even though it has gone uncontroverted that co-accused i.e Varinder Singh @ Babbal and Honey have been granted benefit of bail yet counsel appearing for the complainant would oppose the present petition by stating that there was a common intention to kill and case of the present petitioner is distinguishable inasmuch as the specific role of having raised a *lalkara* is attributed to the petitioner.

The issue with regard to offence under Section 302 read with Section 34 IPC being made out against the present petitioner would be a moot question to be considered during the course of trial.

The specific attribution of firearm injury that caused death of Ranjit Singh is attributed to Parwartan Singh.

Trial would take time to conclude. Material witnesses i.e. Harpal Singh complainant as also Gurpreet Singh stated to be eyewitnesses have already been examined.

Without making any observations on merits and coupled with the length of incarceration already suffered, petitioner is held entitled to the

benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Gurdaspur.

Disposed of.

18.05.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE