

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

***CRM No.M-10380 of 2016 (O&M)
Date of decision : 16.05.2016***

Ram Singh @ Rama

... Petitioner

Vs.

State of Punjab

... Respondent

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

Present: Mr. A.S. Shekon, Advocate for the petitioner.

Mr. K.D. Sachdeva, Additional Advocate General, Punjab.

Mr. B.S. Aulakh, Advocate for the complainant.

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TEJINDER SINGH DHINDSA, J.

Petitioner seeks benefit of regular bail pending trial in case FIR No.67 dated 26.10.2014, under Sections 302/460/392/506/120-B IPC, registered at Police Station Sadar Malout, District Sri Muktsar Sahib.

FIR came to be registered on the statement of Nasib Kaur in relation to an occurrence that took place on the intervening night of 25/26.10.2014. Deceased is Karam Singh i.e. husband of the complainant. It was stated that while the complainant and her husband were sleeping after taking dinner then at about 1:00/1:30 am, three unidentified persons made a forcible entry into the house, strangled Karam Singh and committed a robbery of 13 tolas of gold ornaments and Rs.25-30,000/- cash.

Insofar as the present petitioner is concerned, he was arrested on 07.12.2014 and he was sought to be implicated on the basis of a disclosure statement of watchman/chowkidar of the village, namely, Haneria Ram as also on the disclosure statement of Nachchatar Singh, Lambardar and Raghubir Singh, Sarpanch.

Counsel has submitted that even though the Chowkidar,

Haneria Ram had suffered a statement that he had last seen the present

petitioner and other two co-accused proceeding on a motorcycle on the relevant date and close to the occurrence, yet the prosecution has chosen to give up such witness.

Raghubir Singh, Sarpanch had stated that the petitioner has suffered an extrajudicial confession with regard to the occurrence but he has also been given up by the prosecution.

Insofar as Nachhtar Singh, Lambardar is concerned he had made a statement before the Investigating Agency that he had seen the present petitioner along with other co-accused counting the currency notes.

Counsel appearing for the petitioner states that Nachhtar Singh has been examined before the trial Court as PW-2 and has not supported the prosecution version.

Under such circumstances, the offence under Section 302 IPC being made against the present petitioner would be a moot question.

Without making any observations on merits and keeping in view the length of incarceration already suffered by the petitioner, he 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, Sri Muktsar Sahib.

Disposed of.

16.05.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**