

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

***CRM No.M-10383 of 2016 (O&M)
Date of Decision : 20.05.2016***

Bachittar Singh

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. H.S. Dhandi, Advocate for the petitioner.

Ms. Anmol Grewal, DAG, Punjab.

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TEJINDER SINGH DHINDSA, J.

Petitioner seeks benefit of regular bail pending trial in case FIR No.87 dated 11.04.2015, under Sections 302/460/473/482/201/120-B/34 IPC, registered at Police Station Tripri Town, District Patiala.

Counsel for the parties have been heard.

FIR came to be registered at the instance of Jagpreet Kaur. Deceased in the present case is Gurpreet Singh i.e. husband of the complainant. Complainant had asserted that her husband was working as a Security Guard at an ATM of State Bank of Patiala, Branch Sirhind Road, Patiala. It was stated that on 10.04.2015 at 8 P.M. Gurpreet Singh (since deceased) had gone to attend duty but on the following day at about 7 A.M. complainant was informed that the Security Guard at the relevant ATM has been murdered.

It is a blind FIR and in which no assailants have been named.

During the course of investigation, the present petitioner was arrested on 14.04.2015. He along with 2 others have been nominated as accused in the present case.

During the course of arguments and on a specific query having been put, learned State counsel would contend that there was a CCTV footage at the ATM pertaining to the relevant date i.e. the intervening night of 10/11.04.2015 and in which the presence of the present petitioner has been clearly recorded. It is further submitted that finger prints of co-accused Vishal also match with the finger prints that had been lifted from within the ATM. Further contended that the complicity of the present petitioner in the offence would be clear even from the disclosure statement of co-accused, Vishal.

Per contra, the contention raised by counsel appearing for the petitioner is that the evidence collected could at best only prove the petitioner's presence in the ATM in question on the intervening night of 10/11.04.2015 and that no evidence has come forth that would link the petitioner with the commission of the offence i.e. murder of Gurpreet Singh.

It has also been contended that the evidentiary value of a disclosure statement of co-accused would also be a question to be considered by the trial Court.

Yet another contention raised on behalf of the State counsel that would require notice is that blood stained clothes of the present petitioner have also been recovered by the Investigating Agency. However, it has been conceded that the report of the FSL only opines the same to be human blood and not to be matching with that of the deceased. State counsel has gone on further to state that even a *sabhal*/iron rod has been recovered from the present petitioner. However, there is no justification coming forth as regards any evidence having been collected to show that such weapon that has been recovered was actually used in the

commission of the offence.

The trial is stated to be at the very initial stage.

In view of the above and coupled with 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, Patiala.

It is, however, made clear that the observations contained in this order are confined only as regards considering the prayer of the petitioner for grant of bail and would have no bearings on the merits of the case.

Disposed of.

20.05.2016

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE