

Sr. No. 227

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-11524 of 2016 (O&M)
Date of Decision: 08.04.2016

Rubi Singh @ Kali

...Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. L.M.Gulati, Advocate,
for the petitioner.

Mr. K.D.Sachdeva, Additional A.G.Punjab.

TEJINDER SINGH DHINDSA. J (ORAL)

Petitioner seeks benefit of regular bail pending trial in case FIR No.38 dated 25.02.2015, under Sections 302/307/506/148/149 of the Indian Penal Code (for short 'IPC') later on added Sections 326/323/324/212/216 of IPC, registered at Police Station Gate Hakima, District Amritsar City.

Counsel for the parties have been heard.

Deceased in the present case is Harpal Singh. FIR came to be registered on the statement of Kirpal Singh and who stated that Harpal Singh was his paternal uncle's son.

Occurrence is stated to be of 25.02.2015 at around 4.30/5.00 p.m. Complainant has specifically named a number of assailants/co-accused armed with *kirpans*, *khandas*, *dangs* and

baseballs and specific injuries have been attributed to such assailants/co-accused on the person of Harpal Singh.

Insofar as the present petitioner is concerned, he was not even named in the FIR as per initial statement recorded of Kirpal Singh.

It so transpires that during the course of investigation, on 01.03.2015 disclosure statement of co-accused Balwinder Singh was recorded and in which the present petitioner was stated to be present at the spot. A supplementary statement of complainant Kirpal Singh was also recorded on 01.03.2015 in which the name of the petitioner figures. That apart three other injured in the occurrence i.e. Charan Nath, Karan Singh and Mangal Singh have also named the petitioner to be present at the spot.

However, it has gone uncontroverted that in the disclosure statement of co-accused Balwinder Singh, supplementary statement of the complainant Kirpal Singh as also in the statements of injured afore-noticed, no specific role/injury has been attributed to the petitioner. Rather he was stated to be unarmed.

Petitioner has been in custody since 01.03.2015.

State counsel informs that the trial is at the very initial stage. The same would take time to conclude.

Under such circumstances, offence under Section 302 IPC whether made out against the present petitioner would be a moot point.

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, Amritsar.

Disposed of.

08.04.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**