

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-12530 of 2016 (O&M)
Date of Decision: 22.04.2016

Budh Singh

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. J.P.S. Brar, Advocate for the petitioner.

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

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.190 dated 10.8.2014 under sections 302, 364 I.P.C registered at Police Station, Talwandi Sabo, District Bathinda.

Learned counsel for the parties have been heard.

F.I.R came to be registered on the statement of Gurmail Singh son of Mukand Singh. Deceased in the present case is Bhim Singh i.e. brother of the complainant. Complainant asserted that on 9.8.2014 while he along with his brother Bhim Singh was present at home, Manak Singh (co-accused) and the present petitioner came to the house of Bhim Singh, who had accompanied them on a motorcycle and thereafter did not return back till late night. Complainant further alleged that when he called on the mobile number of his brother Bhim Singh i.e.94663-85990, the call was taken by co-accused Manak Singh and who had stated that, **“we have done what we want now you can search for Bhim Singh”**.

Petitioner was arrested on 30.12.2014.

The only evidence in the present case is that of “last seen”. It would be apposite to note that even as per version of the complainant no motive has been attributed to the present petitioner to have committed the murder of his brother namely Bhim Singh. It has gone uncontroverted during the course of investigation that call records pertaining to mobile number 94663-85990 were collected and ascertained and the same do not corroborate the version set up by the complainant i.e. of a call having been placed on such number by the complainant during the late hours of 9.8.2014 and such call having been accepted by co-accused Manak Singh.

Under such circumstances, the issue as regards offence under Section 302 I.P.C being made out 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, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Bathinda.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

22.04.2016

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