

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

***CRM No.M-13282 of 2016 (O&M)
Date of decision:28.05.2016***

Gori @ Hardev Singh

... Petitioner

Vs.

State of Punjab

... Respondent

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

Present: Mr. Bir Davinder Singh, Advocate for the petitioner.
Ms. Anmol Grewal, DAG, Punjab.

...

TEJINDER SINGH DHINDSA, J.

CRM No.17125 of 2016:

With the consent of the counsel for the parties, the date in the main petition is preponed from 05.07.2016 and the same is taken up on Board today itself.

Application is disposed of.

Main case:

The present petition has been filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner pending trial in case FIR No.227 dated 24.11.2013, under Sections 302/201/148/149 IPC, registered at Police Station Dharamkot, District Moga.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Sukhjinder Singh. Deceased is the brother of the complainant, namely, Harjinder Singh. As per complainant's statement recorded on 24.11.2013, his brother Harjinder Singh (since deceased) used to have frequent altercations with his wife Baljit Kaur. On 24.11.2013, complainant asserted that his sister-in-law

Baljit Kaur had informed him that her husband Harjinder Singh had

received a call at 2:00 A.M. in the morning and he had gone out from his house on his motorcycle but did not return back.

Upon a search having been conducted by the complainant, his father Surmukh Singh and Ex-Sarpanch of the Village, body of Harjinder Singh was found lying by the side of a bridge. Injuries were noticed on the body as also rope marks were there around his neck. Complainant alleged that his brother Harjinder Singh had been killed by certain unknown persons.

It is a blind FIR.

Petitioner is sought to be implicated in the case on a statement of Narinder Kaur i.e. paternal aunt of the deceased recorded on 25.11.2013 wherein she has stated that after the cremation of the body of Harjinder Singh, his wife Baljit Kaur had confided to her that she was being constantly harassed by her husband and on account of which she had hatched a plan to eliminate her husband and towards executing such conspiracy engaged contract killers and one of the whom was the present petitioner.

Petitioner was arrested on 02.12.2013.

The evidentiary value of such statement of Narinder Kaur dated 25.11.2013, who would otherwise be seen as an interested witness would be a material issue to be considered by the trial Court.

Learned State counsel has informed that till date out of 21 prosecution witnesses cited only 3 have been examined till date.

The trial, as such, would take time to conclude.

Counsel for the petitioner has also referred to order dated 01.04.2016 passed by this Court in CRM No.M-3916 of 2016, whereby

co-accused, Gurmeet Singh @ Rinku has been granted benefit of regular bail.

In view of the above, coupled with length of incarceration already suffered by the petitioner and without making any observations on merits, the petition is allowed.

Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Moga.

Disposed of.

28.05.2016

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**(TEJINDER SINGH DHINDSA)
JUDGE**