

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-13470 of 2015 (O&M)
Date of Decision: 15.03.2016

Sarabjit Singh @ Sabi

...Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. Manuj Nagrath, Advocate,
for the petitioner.

Ms. Manpreet Dhaliwal, AAG, Punjab.

TEJINDER SINGH DHINDSA. J (ORAL)

This order shall dispose of the present petition filed under Section 439 Cr.P.C. seeking benefit of regular to the petitioner in case FIR No.64 dated 11.06.2013, under Sections 302/201 of Indian Penal Code, (Section 120-B of IPC added later on), registered at Police Station G.R.P. District Jalandhar.

Counsel for the parties have been heard.

FIR was registered on the statement of Swarn Kaur. Deceased is Baljit Singh i.e. son of the complainant. Complainant had alleged that on 09.06.2013 her son Baljit Singh (since deceased) who used to drive an auto-rickshaw had left the house to meet the present petitioner and who thereafter did not return and when efforts were made to contact him on the mobile phone, the same was switched off. The dead body of Baljit Singh was found near the railway line and his auto-rickshaw was found parked about 500 yards

away from the railway line in a damaged condition. Precisely, the allegations and motive attributed by the complainant against the present petitioner is that deceased Baljit Singh was having a love affair with Rajwinder Kaur who in turn was engaged to the present petitioner and just to eliminate Baljit Singh from the scene he was killed.

Petitioner was arrested on 14.06.2013.

It is a case of circumstantial evidence.

The issue as to whether offence under Section 302 IPC is made out against the present petitioner would be a moot question to be considered during the course of trial.

Learned State counsel upon instructions ASI Satish Kumar would apprise the Court that out of 22 prosecution witnesses cited, 07 have been examined till date.

The trial as such would take time to conclude.

It is not the case made out on behalf of the State that petitioner if granted benefit of bail would be in a position to hamper the course of trial or to tamper/intimidate the witnesses. Complainant Swarn Kaur i.e. mother of the deceased is stated to have already been examined before the trial Court.

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,

Jalandhar.

Disposed of.

15.03.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE