

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

CRM No.M-17494 of 2015 (O&M)

Date of Decision: 04.02.2016

Narveer Singh @ Beera

... Petitioner

Versus

State of Punjab

... Respondent

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

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

Ms. Manpreet Dhaliwal, AAG, Punjab.

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TEJINDER SINGH DHINDSA.J.

This order shall dispose of the present petition filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner pending trial in case FIR No.18 dated 30.03.2014, under Sections 302, 34, 449, 379 IPC, registered at Police Station Ballianwali, District Bathinda.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Malkiat Kaur. Deceased in the present case is Kulwant Singh i.e. son of the complainant. Occurrence is stated to be of 30.03.2014.

Complainant's version is that her son Kulwant Singh was having a Canter vehicle and Nikka Singh was employed as a Driver. Complainant alleged that Nikka Singh had developed illicit relations with her daughter-in-law i.e. wife of Kulwant Singh. Upon Kulwant Singh becoming aware of such situation and daughter-in-law Sarabjit Kaur having been confronted, she stated to have consumed some poisonous substance and having committed suicide. She stated that thereafter Kulwant Singh and Nikka Singh again started talking to each other but Nikka Singh nursed a grudge against him. Complainant had stated that on the date of occurrence i.e. on 30.03.2014, Nikka Singh, Mander Singh and one unknown person

were taking liquor in the room of her son Kulwant Singh in the house. All of a sudden Kulwant Singh raised an alarm and upon which complainant and also her grandson Lakhwinder Singh noticed that the unknown person had raised *lalkara*, Mander Singh had caught the legs of Kulwant Singh and Nikka Singh had given blows of a bat (thapa) on the head of Kulwant Singh. Kulwant Singh is stated to have succumbed to the injuries suffered in such incident.

Name of the present petitioner does not even figure in the FIR. As per learned State counsel, he is sought to be implicated on the basis of confessional statement made before the Sarpanch, namely, Gulzar Singh.

Petitioner was arrested on 17.04.2014. The post mortem report of deceased Kulwant Singh would corroborate the version of the complainant to the extent of the injuries suffered by him on his head and which has been opined to be the cause of death.

The specific attribution of having given bat blows on the head of the deceased is to co-accused Nikka Singh. Mander Singh in such occurrence is stated to have caught hold of the legs of the deceased. Even though the present petitioner has not been named yet as per complainant, the unknown person is stated to have raised a *lalkara*.

This Court has been informed that out of 22 witnesses cited by the prosecution, 8 have been examined till date. The trial, as such, would take some time to conclude. Complainant Malkiat Kaur has already been examined before the trial Court.

Without making any observations on merits and in view of the observations made above and coupled with the length of incarceration already suffered by the petitioner being in custody since 17.04.2014, he is

held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the learned Chief Judicial Magistrate/Duty Magistrate, Bathinda.

Disposed of.

04.02.2016

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**(TEJINDER SINGH DHINDSA)
JUDGE**