

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-18614 of 2016 (O&M)
Date of Decision: 02.06.2016

Manjinder Singh @ Kala & another

--Petitioners

Versus

State of Punjab

--Respondent

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

Present:- Mr. K.B.S. Mann, Advocate for the petitioner.

Ms. Manpreet Dhaliwal, A.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 petitioners in case F.I.R. No.103 dated 21.10.2011 under sections 302, 427, 148, 149 I.P.C and section 25 of Arms Act, registered at Police Station, Dialpura, District Bathinda.

Learned counsel for the parties have been heard.

F.I.R came to be registered on the statement of Om Parkash. Deceased in the present case are Deepak Kumar i.e. son of the complainant and Kamal Kumar @ Wahe Guru.

Complainant had asserted that his son Deepak Kumar and Kamal Kumar @ Wahe Guru used to frequent the house of one Jagsir Singh. On 20.10.2011 son of the complainant having not returned home, he proceeded to the house of Jagsir Singh to make inquiries and found that an Esteem car bearing registration no. PB-50-2523 was parked outside. Complainant's version is that Deepa Singh armed with a country made pistol, Pawan Kumar armed with a *Kappa*, Neenu Kumar armed with a country made pistol, Ghali armed with a *Kirpan* and Ranjit Singh @ Jeeta

armed with a *Kappa* and 5/6 other unknown persons raised a *Lalkara* that Deepak Kumar and Kamal Kumar @ Wahe Guru be taught a lesson. Accordingly, the afore noticed persons along with other unknown persons had attacked Deepak Kumar and Kamal Kumar @ Wahe Guru and who succumbed to the injuries. It so transpires that the complainant thereafter got a supplementary statement recorded in which he has named the present petitioner to be one of the 5/6 unknown assailants as per initial version.

Petitioner was arrested on 15.2.2012.

Even as per supplementary statement of the complainant the role attributed to the present petitioner is with regard to having caught hold of Kamal Kumar @ Wahe Guru. No specific injury, otherwise, has been attributed to him.

It has gone uncontroverted that Om Parkash complainant and father of Deepak Kumar deceased has thereafter been examined before the Trial Court and has not supported the prosecution version.

Ranjit Singh @ Jeeta and who had been attributed a *Kappa* blow on the head of Kamal Kumar @ Wahe Guru as per initial version of the complainant, has been granted benefit of regular bail by this Court in terms of order dated 6.11.2015 passed in CRM No. 35740 of 2015 in CRM No. M-29886 of 2015.

Furthermore, Harvinder Singh @ Bittu, whose name had also appeared in the supplementary statement recorded of Om Parkash has been granted regular bail by this Court on 11.12.2014.

Even Harish Kumar @ Kakka and against whom there were identical allegations, has been granted benefit of bail by this Court in the light of order dated 4.5.2016, passed in CRM No. M-11185 of 2016.

Learned State counsel would apprise the Court that out of 26 prosecution witnesses cited 15 have been examined till date.

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

Without making any observations on merits and keeping in view the length of incarceration already suffered by the petitioners, present petition is allowed. Petitioners be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate, Bathinda.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

02.06.2016
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