

**Sr. No.221
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No.M-18946 of 2016 (O&M)

Date of Decision: 02.06.2016

Lakhvir Singh

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. Janak Singh Bhinder, Advocate,
for the petitioner.

Ms. Manpreet Dhaliwal, AAG., Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner seeks bail pending trial in case FIR No.10 dated 29.01.2015, under Sections 302, 203, 342, 341 of Indian Penal Code and Sections 25/54/59 of Arms Act, registered at Police Station Bakshiwal, District Patiala.

FIR came to be registered on the statement of Chamkaur Singh. Deceased in the case is Nahar Singh i.e. father of Chamkaur Singh.

As per version of the complainant, his father was habitual of consuming liquor and used to sleep alone in a room and in the morning of 29.01.2015, since his father did not wake up as usual and as per routine, efforts were made to open the room but there was no response coming forth. On breaking the lock of the door, Nahar Singh was found inside in a pool of blood and on his side even his licensed weapon was lying. As per version set up by the complainant, his father Nahar Singh had committed suicide.

It so transpires that Kuldeep Singh and Darbara Singh who are close relatives of the deceased being the nephew and the real brother suffered statements before the police under Section 161 Cr.P.C. stating that

they had made inquiries in the matter and in fact Nahar Singh has been murdered by his own son, namely, Chamkaur Singh.

Chamkaur Singh was arrested on the same day of the occurrence i.e. 29.01.2015.

Present petitioner is sought to be implicated on the disclosure statement of Chamkaur Singh and wherein he stated that he had murdered his father in connivance with the present petitioner.

Petitioner has been in custody since 04.02.2015.

Both Kuldeep Singh and Darbara Singh have been examined before the trial Court as PW-1 and PW-2. Counsel has adverted to their deposition. These two witnesses have not supported the prosecution version.

The evidentiary value of the statement recorded of Chamkaur Singh before the police officials and on the basis of which the present petitioner is sought to be implicated would be an issue to be considered before the trial Court.

Trial would take time to conclude.

Without making any observations on merit and keeping in view the length of incarceration already suffered, petitioner 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, Patiala.

Disposed of.

02.06.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE