

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. No. M-22478 of 2016
Date of Decision: 12.07.2016

Thakur Dass

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. Bikramjit Singh Randhawa, Advocate
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

Mr. Sandeep Arora, Advocate
for the complainant.

HARI PAL VERMA J.(Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.205 dated 5.11.2015 under Sections 302, 307, 326, 324, 120-B, 148 and 149 IPC and Sections 25 and 27 of the Arms Act registered at Police Station, Sadar Jalandhar, District Jalandhar.

Learned counsel for the petitioner contends that no injury has been attributed to the petitioner and only his presence was recorded in the videography done by the daughter of the deceased. He submits that the petitioner is 90 years of age and hardly able to walk, what to talk of inflicting any injury to the deceased. He further submits that the petitioner is in custody since 6.11.2015 and the trial in the case will take sufficiently long time.

On the other hand, learned counsel for the complainant states that it is at the behest of the petitioner the entire incident has occurred, as he had approached some hired killers to facilitate the murder of deceased Shinghara Singh.

Learned State counsel, on instructions from ASI Kamaljit Singh, very fairly states that in the FIR, only the presence of the petitioner has been recorded. Initially, though challan was presented against the petitioner, however, after investigation, the petitioner has been declared innocent.

I have heard learned counsel for the parties.

A bare perusal of the FIR shows that only presence of the petitioner has been recorded at the scene of occurrence and no injury has been attributed to him. The plea on behalf of the petitioner that he approached some hired killers, is yet to be established during the course of trial. Therefore, considering the fact that the petitioner is 90 year of age and is in custody since 6.11.2015 and the trial will take sufficiently long time, as no prosecution witness has yet been examined, the present petition is allowed. The petitioner is admitted on regular bail subject to

furnishing of his bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Jalandhar.

It is made clear that expression made hereinabove shall not be construed as any opinion on the merits of the case.

July 12, 2016
AK

(HARI PAL VERMA)
JUDGE