

Sr. No. 210

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-25844 of 2015 (O&M)
Date of Decision: 17.02.2016

Kulwant Singh

...Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Ms. G.K.Mann, Advocate,
for the petitioner.

Ms. Anmol Grewal, 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 bail to the petitioner in case FIR No.371 dated 26.12.2014, under Sections 302/201 of Indian Penal Code, registered at Police Station Jandiala, District Amritsar Rural.

FIR came to be registered on the statement of Nirmal Singh. It was stated that on 26.12.2014 he went to his land which was taken on lease and he found that a heap of straw had been set on fire and a body of an unknown person was burning therein.

The body was identified to be that of Sarabjit Singh .

During the course of investigation, mother of deceased has suffered a statement that on 26.12.2014 one Palwinder Singh (co-accused) had come to the house and had taken away Sarabjit

Singh on his motorcycle and who had not returned for a long time and upon being contacted on phone Sarabjit Singh had informed that he would return after 5 p.m. Mother of the deceased further stated in her statement that co-accused Palwinder Singh had entered into a quarrel with the deceased at an earlier point of time.

Insofar as the present petitioner is concerned, he is sought to be implicated in the case on the basis of an extra judicial confession made on 27.12.2014 before Inderjit Singh son of Harnam Singh and as per which Sarabjit Singh had died on account of an overdose of heroin given by present petitioner and co-accused Palwinder Singh and thereafter they had tried to burn the dead body.

The petitioner was arrested on 20.02.2015.

Investigation having been completed, challan was presented and thereafter charges were also framed. Learned State counsel on instructions from ASI Surinder Mohan would apprise the Court that out of 18 prosecution witnesses cited 8 have been examined till date.

The trial as such would take some time to conclude.

In view of the facts noticed here-in-above, the issue as to whether offence under Section 302 IPC would be made out against the petitioner would be a moot question and to be considered during the course of trial. The evidentiary value of extra judicial confession made by the present petitioner would be yet another question to be considered by the trial Court.

In an overview of the matter 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, Amritsar.

The observations contained in this order are confined only as regards considering the prayer of the petitioner for grant of bail and would have no bearing on the merits of the case.

Disposed of.

17.02.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**