

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

**CRM-M No.2839 of 2016 (O&M)
Date of Decision: 29.01.2016**

Hakam Singh

..... Petitioner

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Anterpreet Singh, Advocate for the petitioner.

Mz. Rimplejeet Kaur, Assistant Advocate General, Punjab
for the respondent/State assisted by A.S.I. Kikar Singh.

JASWANT SINGH, J. (Oral)

Prayer is for grant of regular bail under Section 439 Cr.P.C. to the petitioner in case FIR No.16 dated 11.02.2012 for the offences punishable under Sections 302, 307, 336 of the Indian Penal Code and Sections 25/27/54/59 of the Arms Act, registered with Police Station Sidhwan Bet, District Ludhiana (**Annexure P-1**).

The petitioner-Hakam Singh was married to Jaswant Kaur (daughter of the complainant-Najar Singh). The estranged wife is stated to have left the husband/petitioner, as a result on 11.02.2012 at about 7:15 PM, the present accused is alleged to have fired shots from his DBBL .12 bore Rifle on the house of his in-laws. The pellets are alleged to have caused injuries on the right arm of the complainant and three other family members, apart from causing death of mother-in-law, namely, Surjit Kaur.

It is contended that the petitioner is in custody since 11.02.2012.

It is stated that there are 24 cited prosecution witnesses and the prosecution evidence commenced w.e.f. 16.10.2012 and till 26.05.2015, 09 witnesses including the material witnesses stood examined. Since then, no prosecution witnesses, who are mainly official witnesses, have since been examined. Thus, the prayer is for grant of regular bail due to almost four years of being under-trial in custody.

Learned State Counsel, assisted by ASI Kikar Singh, does not dispute the custody period and the fact that till today, only 09 prosecution witnesses have been examined including the material witnesses. It is also agreed, on instructions, that since 26.05.2015, the remaining witnesses, which are mainly official, have not been examined, however, the next date is stated to be 05.02.2016.

Without commenting on the merits of the case, keeping in view almost four years of incarceration as an under-trial and the complete negligence in completing prosecution evidence, this Court finds that petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate, Ludhiana.

Disposed of.

January 29, 2016

Gagan

**(JASWANT SINGH)
JUDGE**