

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-33220 of 2016

Date of Decision: November 3, 2016

Balbir Singh @ Cheema

.....Petitioner

Vs.

State of Punjab

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr. Navkiran Singh, Advocate
for the petitioners.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

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M.M.S. BEDI, J.

This is fourth petition under Section 439 Cr.P.C. for grant of bail to the petitioner in case FIR No. 40 dated February 26, 2014 under Sections 302, 120-B, 307, 148, 149 IPC and Sections 25 of the Arms Act, registered at Police Station Basti Bawa Khel, Jalandhar.

While dismissing the earlier petition for bail on December 24, 2015, a direction was issued to the trial Court to expeditiously conclude the trial and it was observed that in case the trial is not concluded within a period of six months from the next date of hearing, it would be open to the

petitioner to approach this Court again. In the light of said observations, the petitioner has moved the present petition for bail by making a reference to the document annexure P-2 that the motive attributed to the petitioner is very weak motive as Yudhvair Singh, accused, who is alleged to be son of the petitioner had been given in adoption to Harbhajan Singh Takhar vide adoption deed dated February 8, 1994 and that in view of said circumstance the petitioner cannot be said to be closely related or associated with his son Yudhvair Singh to the extent that he will go to the extent of getting Deepansh and Simran attacked and killed. The petitioner has been involved by merely adding a line in the FIR that the assailants had been sent by the petitioner after instructing them.

Mr.Navkiran Singh, counsel for the petitioner has argued that the statements of Randeep Singh, Harish Kumar and Inderjit Singh have already been recorded. The complainant Ashwani Kumar had died during the trial. Referring to the statements of Randeep Singh, Inderjit Singh and Harish Kumar as PW1, PW2 and PW3 recorded on September 15, 2015, September 8, 2015 and September 15, 2015, respectively, it was urged that there is a bare allegation against the petitioner that he had instigated the assailants whereas there is neither any telephonic conversation between the main accused and the petitioner nor there had been any enmity. The petitioner has been involved merely being the biological father of Yudhvair Singh. Counsel also argued that earlier two petitions for bail had been dismissed as withdrawn whereas the third petition was disposed of with

above said directions. Counsel desires that on appreciating the statements of the witnesses, the Court should arrive at a conclusion that the evidence produced on the record is not prima facie sufficient enough to warrant conviction of the petitioner as such it was prayed that he should be granted bail, there being weak evidence against the petitioner.

I have considered the contentions of learned counsel for the petitioner and I am of the opinion that appreciation of evidence for determining culpability of the petitioner at this stage, will tantamount to expression of opinion which might prejudice the rights of the prosecution agency or the petitioner. It will thus not be prudent at this stage to consider prima facie merit on consideration of the evidence.

Mr. Navkiran Singh has informed this Court that the petitioner is an Advocate and is not expected to commit any breach of law in case released on bail. He has also argued that the daughter of the petitioner has to go out for studies having passed the preliminaries i.e. IELTS and he being father has to help the daughter for her immigration abroad as such he can be granted concession of interim temporary bail in order to enable the petitioner to settle his daughter.

I have considered the arguments for interim relief. Any relief for interim bail can also not be granted without entering into the appreciation of evidence. No doubt, the delay is being caused and the petitioner is stated to be an Advocate. Material prosecution witnesses having been examined, I do not find any ground to grant the concession of bail to the petitioner.

Finding no substantial change in the circumstances after the third bail petition was dismissed except that period of six months has elapsed, a direction earlier issued for expeditiously disposal is again reiterated. A direction is issued to the prosecution agency to produce the entire witnesses in the interest of expeditious disposal of the trial.

With the above observations, 4th petition for bail is dismissed with a direction that the trial Court shall conclude the trial within a period of three months henceforth by adhering to the procedure laid down under Section 309 Cr.P.C.

November 3, 2016
sanjay

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned:	Yes/ No.
Whether Reportable:	Yes/No.