

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-3559 of 2016 (O&M)

Date of Decision: 07.04.2016

Netar Singh

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. Vijay Lath, Advocate for the petitioner.

Ms. Manpreet Dhaliwal, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.70 dated 9.7.2015 under sections 302, 34 I.P.C registered at Police Station, Chamkaur Sahib, District Rupnagar.

Learned counsel for the parties have been heard.

F.I.R was registered on the statement of Darshan Singh. Deceased is Gurmukh Singh i.e. father-in-law of the complainant. Occurrence is stated to be of 9.7.2015. Complainant, who is an eye witness to the alleged occurrence has stated that at about 6.30 P.M Gurmukh Singh (since deceased) was proceeding in front of the complainant while going towards Chamkaur Sahib from village Pipal Majra and then Gurpreet Singh, Jagtar Singh, Ranjit Singh and the present petitioner namely Netar Singh were standing on the way and Gurpreet Singh gave a *Gandasa* blow on the neck of Gurmukh Singh (deceased). After Gurmukh Singh fell down on the ground, Ranjit Singh gave 2/3 blows with a *Kirpan* and Gurpreet Singh afore-noticed gave *Gandasa* blows again on the neck. Gurmukh Singh is stated to have died on the spot. Motive attributed is that Gurmukh Singh

was having a property dispute with Gurpreet Singh son of Netar Singh, Jagtar Singh son of Netar Singh, present petitioner himself and Ranjit Singh son of Babu Singh.

Petitioner was arrested on 6.9.2015.

Court has been informed that the complainant Darshan Singh, who is also an eye witness to the occurrence, has been examined before the Trial Court as PW-1. His deposition has been read out in Court.

As per initial version of the complainant which led to the registration of the F.I.R as also in his deposition before the court, even though, the present petitioner is stated to be present at the spot on the date of occurrence but no direct/overt role or injury has been attributed to him.

Complainant is stated to be the only eye witness to the occurrence and as such, would be seen as a material witness.

Learned State counsel has informed that out of 18 prosecution witnesses cited only one i.e. the complainant has been examined till date.

The trial, as such, is at the initial stage and would take time to conclude.

Without making any observations on merits and keeping in view the length of incarceration already suffered by the petitioner, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Rupnagar.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

07.04.2016
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