

CRM-M 37634/2015

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

Date of decision:09/05/2016.

Bhura Singh

.....Petitioner

VS

State of Punjab

.....Respondent

CORAM:- HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.LS Sekhon,Advocate for the petitioner.

Mr.Kirat Singh Sidhu,DAG Punjab
with ASI Gurdev Singh

Mr.Harjit Singh,Advocate for the complainant.

Jaswant Singh,J(Oral)

Prayer is for grant of regular bail in case FIR No.67 dated 13.9.2014 under Sections 302,342,34 IPC, PS Sadar Budhlada, Distt.Mansa.

As per eye witness account of complainant-Satgur Singh he saw his younger brother Kharka Singh at around 7.30 pm on 12.9.2014 in the courtyard of their neighbour i.e. co-accused Lal Singh being inflicted injuries. Co-accused sons of Lal Singh i.e. Harmesh Singh armed with an axe and Makhan Singh armed with an iron *khurchana* inflicted injuries on the head of Kharka Singh. Co-accused Lal Singh is alleged to be standing with a .12 bore rifle and raising a *lalkara* while the petitioner-accused Bhura Singh alleged to have given a stick blow on the right ankle of Kharka Singh who had fallen on the ground after suffering injuries on the head. Kharka Singh succumbed to injuries on 13.9.2014. Case of the prosecution is that Kharka Singh was having

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illicit relations with wife of co-accused Makhan Singh.

It is contended that petitioner accused is in custody since 28.9.2014. Even otherwise the role attributed is of inflicting a stick blow on the right ankle of Kharaka Singh. It is next submitted that both the alleged eye witnesses have since been examined and remaining 18 Pws are yet to testify.

Counsel for the complainant while opposing the prayer for bail does not dispute the role attributed to the accused petitioner.

Learned State counsel on instructions does not dispute the custody period and the role attributed to the petitioner accused.

After hearing the learned counsel for the parties, keeping in view the custody period, role attributed and the fact that trial is not likely to be concluded in near future, no useful purpose would be served by keeping the petitioner in custody, present petition is allowed and accused-petitioner is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate concerned.

09.05.2016
joshi

(Jaswant Singh)
Judge