

**Sr. No. 209
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No. M-38965 of 2015 (O&M)

Date of Decision: 28.03.2016

Sukhmander Singh alias Bhushi

...Petitioner

Versus

State of Punjab

...Respondent

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

Present:- Mr. K.S.Brar, Advocate,
for the petitioner.

Mr. D.S.Virk, AAG, Punjab.

TEJINDER SINGH DHINDSA. J (ORAL)

Petitioner seeks benefit of regular bail pending trial in case FIR No.60 dated 16.05.2015, under Sections 302, 120-B of Indian Penal Code and Sections 25, 54, 59 of Arms Act, registered at Police Station Dialpura, Bathinda.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Preet Kaur. Deceased in the present case is Harpreet Singh i.e. husband of the complainant. Allegations pertain to an occurrence that took place on 16.05.2015 and as per version of the complainant Manoj Kumar @ Mauji is stated to have fired with a firearm upon deceased Harpreet Singh and who succumbed to such firearm injuries. Motive attributed upon complainant is that earlier in point of time an FIR had been got registered against Manoj Kumar @ Mauji at the instance of deceased Harpreet Singh and on account of which Manoj Kumar had been pressurising her husband to enter into a compromise.

Name of the present petitioner does not even figure in the

FIR. He is sought to be implicated on the disclosure statement of main accused Manoj Kumar @ Mauji and who has stated that .12 bore gun used in the occurrence was taken from the present petitioner.

It is the case of the prosecution that firearm in question is a licensed weapon which actually stands in the name of another co-accused, namely, Kuldeep Singh Gora and who is still on the run.

Petitioner is in custody since 06.07.2015.

It stands conceded that investigation in the case having been completed, challan qua the present petitioner and main accused Manoj Kumar @ Mauji was presented on 29.09.2015 and even charges were framed thereafter. The trial is stated to be at the very initial stage as out of 26 prosecution witnesses cited only 01 has been examined till date.

The issue as to whether offence under Section 302 IPC is made out against the present petitioner would be a moot question to be considered by the trial Court. That apart the evidentiary value of a disclosure statement of co-accused is yet another issue to be considered and on the basis of which the petitioner is sought to be implicated in the case.

Without making any observations on merits and keeping in view the length of incarceration already suffered by him, petitioner 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, Bathinda.

Disposed of.

28.03.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**