

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

CRM-M No.42514 of 2015

Date of Decision:-26.02.2016

Nishan Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. P.B.S. Goraya, Advocate for the Petitioner.

Ms. Manjari Nehru Kaul, Additional Advocate General, Punjab
assisted by ASI Balwinder Singh.

JASWANT SINGH, J (ORAL)

Prayer is under Section 439 Cr.PC for grant of regular bail to the petitioner Nishan Singh in case FIR No.148 dated 28.06.2014 for offences punishable under Sections 302, 307, 323, 324, 452, 201, 148 and 149 of Indian Penal Code & Sections 25 & 27 of the Arms Act registered with Police Station Sadar, Tarn Taran.

The dispute between the complainant party and accused party who are neighbours in residence as also agricultural fields erupted over blockage of common drain. The main accused Pal Singh is alleged to have fired a single shot from a country made pistol on Lakhbir Singh causing his instant death. The entire family of Pal Singh has been nominated as an

accused and allegedly armed with deadly weapons. Petitioner-accused Nishan Singh is the son of Pal Singh and is alleged to be armed with .315 rifle but attributed no overt act. In fact none of the family members have been attributed overt act.

It is contended that apart from no role attributed, petitioner is stated to be in custody since 18.07.2014 and the evidence of 20 cited Pws is yet to commence. Thus prayer is grant of regular bail.

Learned State Counsel assisted by ASI Balwinder Singh is unable to refute the factual aspect of the case.

Without going into the merits of the case, keeping in view the above, custody period and the fact that the trial is not likely to be concluded in near future, present petition is allowed and the petitioner Nishan Singh is ordered to be released on bail to the satisfaction of learned CJM/Duty Magistrate, Tarn Taran.

Petition stands disposed of.

(JASWANT SINGH)
JUDGE

February 26, 2016
Vinay