

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

221

CRM-M-44229-2015

Date of Decision: February 25, 2016

SUKHWINDER SINGH @ KALA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

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

Present: Mr.S.S.Sidhu, Advocate for the petitioner.

Mr.Jashan Preet Singh, AAG, Punjab.

M.M.S.BEDI, J.(Oral)

Petitioner is elder brother of Simranjit Kaur who had allegedly married complainant Gurpyar Singh against the wishes of her family members in September, 2014. As per prosecution the petitioner along with 6/7 other persons attacked the complainant and his wife Simranjit Kaur while they were going on a motorcycle. Gun shots were fired by the co-accused of the petitioner Makhan Singh, the maternal uncle of the deceased and the petitioner.

So far as the petitioner is concerned, he has not been attributed any specific injury on the person of the deceased or the complainant. The statement of the complainant regarding other family members being involved in the incident of firing along with Makhan Singh and the petitioner has been found to be incorrect during the course of investigation.

Taking into consideration the fact that the challan has already been presented and the petitioner has not been attributed any specific injury on the person of the deceased, only two persons having been challaned, the applicability of Section 149 IPC would be a debatable issue. Whether the petitioner had an intention to kill his sister would be determined on the basis of evidence to be produced by the prosecution. In the said circumstances, the petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/ surety bonds to the satisfaction of the trial court subject to the condition that the petitioner will not make any attempt to tamper with the evidence or threaten the witnesses.

February 25, 2016
TSG

(M.M.S.BEDI)
JUDGE