

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-5574 of 2016 (O&M)

Date of Decision: 23.02.2016

Binder Kumar @ Binda

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. P.S. Sekhon, 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.67 dated 20.7.2015 under sections 302, 148, 149, 212, 216 I.P.C and sections 25, 54, 59 of Arms Act, registered at Police Station, City-1, Malerkotla, District Sangrur.

Learned counsel for the parties have been heard.

F.I.R in question came to be recorded on the statement of Mohd. Nadeem. Occurrence is stated to be of 19.7.2015. Deceased is Mohd. Tanveer i.e. brother of the complainant.

As per complainant's version, it was Mohd. Rizwala @ CBZ, who fired a shot from his pistol and which hit in the forehead of Mohd. Tanveer (since deceased). Azmal @ Actor is stated to have fired a shot from his pistol in the stomach of Tanveer. As per initial statement of the complainant the petitioner was not even present at the spot and as such, no direct role has been attributed to him.

Present petitioner is stated to be implicated on the basis of a supplementary statement of Mohd. Nadeem, complainant recorded on

24.7.2015. Even as per such supplementary statement presence of the petitioner at the spot on the date of occurrence is not recorded. Petitioner is sought to be implicated on the allegation that the motorcycle used by the main accused has been recovered from the present petitioner.

Petitioner has been in custody since 3.9.2015.

The issue as to whether offence under section 302 I.P.C would be made out against the present petitioner, would be a moot question to be considered during the course of trial.

Investigation in the case is complete and the challan was presented on 16.10.2015. State counsel further apprises the Court that charges till date have not been framed.

Without making any observations on merits and in view of the circumstances noticed herein above, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Sangrur.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

23.02.2016
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