

Sr. No.215

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-10115 of 2017 (O&M)

Date of Decision:05.04.2017

Chamkaur Singh @ Kala Bhua

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. Munish Raj Chaudhary, Advocate,
for the petitioner.

Ms. Harpreet K. Athwal, DAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner seeks benefit of regular bail pending trial in case FIR No.38 dated 15.05.2013, under Sections 302, 449, 201, 148, 149, 120-B IPC and Section 25 of Arms Act, registered at Police Station Tapa, District Barnala.

Counsel for the parties have been heard.

FIR came to be registered on the complaint of Jagroop Singh in relation to an occurrence that took place on 15.05.2013 and in which his son Resham Singh received gunshot injuries and to which he succumbed and lost his life.

Resham Singh is stated to have received four gunshot injuries and which are attributed to co-accused Balwant Singh @ Babbu, Kulwinder Singh @ Kinda and Ranjit Singh. Insofar as the present petitioner is concerned, he is alleged to be part of unlawful assembly and was even in possession of a firearm. However, as per prosecution version, the present

petitioner is not attributed any gunshot injury on the person of the deceased.

It has also gone uncontroverted that main accused Balwant Singh @ Babbu, Kulwinder Singh @ Kinda and Ranjit Singh have been granted benefit of bail by this Court in the light of order dated 16.03.2017 in CRM No.M-42693 of 2016 and CRM No.M-42476 of 2016 by keeping in view the length of incarceration and the fact that the trial has not made any progress.

Present petitioner has faced incarceration since 06.10.2013.

State counsel has apprised the Court that till date out of 49 prosecution witnesses cited, none has been examined till date.

Without making any observations on merits and keeping in view the length of incarceration already suffered by the petitioner, he is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Barnala.

Disposed of.

05.04.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No