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

**CRM-M No. 10594 of 2017
Date of Decision: 01.05.2017**

Sohan Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Amaninder Singh Sekhon, Advocate,
for the petitioner.

Ms. Rimplejeet Kaur, A.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No. 50 dated 16.04.2015, registered under Sections 302/323/201 I.P.C., at Police Station City Kotkapura, District Faridkot.

Petitioner himself was the complainant in the present FIR, being father of deceased Rupinder Kaur, who was allegedly enticed by Manoj Kumar etc. After registration of the case, Manoj Kumar and others were found to be innocent on the basis

of some enquiry conducted by DSP Baljit Singh Sidhu, Kotkapura.

Pursuant to order dated 17.04.2017, Inspector Jagdev Singh, the Investigating Officer of the case, has come present in the Court and submitted that complicity of Manoj and others was not found in the enquiry conducted by the D.S.P. and on that premise, they were found to be innocent by incorporating the enquiry report in the challan.

Petitioner was involved in the present case on the basis of his confession before one Pukhraj Singh @ Pokhi, whose statement was recorded under Section 161 Cr.P.C. at the relevant stage.

While appearing as prosecution witness, aforesaid Pukhraj Singh @ Pokhi has resiled from his statement under Section 161 Cr.P.C.

Whether the petitioner can be prosecuted on the basis of material on record in exclusion of evidence of aforesaid Pukhraj Singh @ Pukha would be debatable at stage of the trial.

Learned State counsel on instructions from the Investigating Officer submitted that out of total seventeen prosecution witnesses, only four prosecution witnesses have been examined so far. The next date fixed before the trial Court

for the remaining evidence is stated to be 21.05.2017.

At this stage, without meaning anything on ultimate merits of the case, I am of the, *prima facie*, view that benefit of regular bail can be advanced to the petitioner.

In view of above, petition is allowed. Petitioner is ordered to be enlarged on regular bail, subject to his furnishing adequate bail bonds/ surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

May 01, 2017.

Apurva

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No