

Sr. No.213

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

CRM No. M- 11251 of 2017 (O&M)

Date of Decision:09.05.2017

Noor Hassan Khatana

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. L.S. Lakhanpal, Advocate
for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner seeks benefit of regular bail pending trial in case FIR No.48 dated 09.04.2016 under Sections 302/201/120-B/148/149 of Indian Penal Code, registered at Police Station Mehatpur, District Jalandhar.

Counsel for the parties have been heard.

Deceased in the present case is Makhsood Shah. FIR came to be registered on the statement of brother of the deceased namely Jaman Shah. Complainant asserted that his brother was in the business of selling clothes and on 04.04.2016, Makhsood Shah (since deceased) had gone on his motorcycle Platina bearing registration No.PB-41A-9708, who has not returned. Missing report was lodged at Police Station Shahkot. Thereafter, upon information having been received on 09.04.2016, a dead body was found in the pond of the village and which had been identified by the complainant as also the present petitioner to be that of Makhsood Shah.

It so transpires that during the course of investigation,

Manjit Singh S/o Major Singh, Abdul Rashid and Amandeep Singh were arrested. Amandeep Singh made a disclosure statement that he along with Manjit Singh had committed the murder of Makhsood Shah, having received an amount of ₹40,000/- from Abdul Rashid. Motive attributed was that co-accused Abdul Rashid was in an illicit relationship with the wife of the deceased.

Present petitioner has been arrested on the basis of alleged recovery of motorcycle belonging to him.

Petitioner has faced incarceration since 12.04.2016.

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

The trial as such would take time to conclude.

Without making any observation 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 the satisfaction of the trial Court/Duty Magistrate, Jalandhar.

Disposed of.

09.05.2017

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(TEJINDER SINGH DHINDSA)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether Reportable</i>	:	<i>Yes/No</i>