

Sr. No.222

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

CRM No. M- 12697 of 2017 (O&M)

Date of Decision:26.04.2017

Vakil Singh

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. Vishavdeep Singh Rana, Advocate
for the petitioner.

Mr. Varun Sharma, AAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of the present petition filed under Section 439 Cr.P.C. seeking regular bail pending trial in FIR No.164 dated 28.11.2014 under Sections 302, 120-B and 34 IPC, registered at Police Station Nehianwala, District Bathinda.

Counsel for the parties have been heard.

Deceased in the present case is Major Singh. FIR was registered on the statement of Nazar Singh i.e. brother of the deceased. As per statement of the complainant recorded on 28.11.2014, deceased Major Singh had gone out of his house and had not returned back and on account of which, the complainant along with his other brother, namely Gurtej Singh went in search and found the blood stained body of Major Singh, lying on road at a small distance from the village. It was alleged that there were injuries on the forehead/head of the deceased and blood was

oozing out. At the time of recording of the initial statement, Nazar Singh, brother of the deceased has stated that un-known persons had killed his brother.

The present petitioner has been implicated in the present case along with Jagsir Singh and Lakhbir Kaur i.e. wife of the deceased and the prosecution version is that Lakhbir Kaur wife of the deceased Major Singh was in an illicit relationship with co-accused Jagsir Singh.

It is also the case of the prosecution that the accused have suffered a confessional statement before Tirath Singh S/o Bakhshish Singh, who was the ex-sarpanch of the village. Yet another prosecution witness who has been examined before the trial Court is Manpreet Singh PW-6 and who has also deposed with regard to the illicit relationship between Lakhbir Kaur and co-accused Jagsir Singh. He went further on to depose that the entire village was aware of such relationship.

Petitioner has been in custody since 02.12.2014.

It is mystifying to this Court that in case version of PW-6 Manpreet Singh is to be believed as regards the illicit relationship between Lakhvir Kaur and co-accused Jagsir Singh then why would the complainant who is none other than the real brother of the deceased make an initial statement before the police authorities as regards the murder having been committed by unknown persons.

The admissibility of a confessional statement before PW-2 Tirath Singh would be an issue to be considered by the trial Court.

All the material witnesses including Tirath Singh, Manpreet Singh as also Nazar Singh i.e. complainant have already been examined.

Lakhwinder Kaur co-accused and wife of the deceased has already been granted bail by this Court in the light of order dated 10.01.2017 passed in **CRM-M-38930 of 2016**.

In view of the discussion above and coupled with 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, Bathinda.

Disposed of.

26.04.2017

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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>