

CRM-M-15797-2017
Date of Decision: 19.05.2017

Gurdarshan Singh

... Petitioner

Versus

State of Punjab

... Respondent

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

Present: Mr.Sant Pal Singh Sidhu, Advocate
for the petitioner.

Mr. Varun Sharma, AAG, Punjab.

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TEJINDER SINGH DHINDSA, J.

Petitioner seeks benefit of regular bail pending trial in case FIR No.64, dated 26.11.2016, under Sections 302 and 120-B IPC, registered at Police Station Thuliwal, District Barnala.

At the very outset, learned counsel appearing for the petitioner makes an oral request that on account of an inadvertent error, the offence under Section 201 IPC has not been mentioned in the head note and also the prayer clause. He prays that the present petition seeking benefit of regular bail be also considered in terms of offence under Section 201 IPC as well.

Prayer is allowed.

Registry is directed to carry out the necessary changes in the head note as also in the prayer clause in the petition in terms of adding offence under Section 201 IPC.

FIR came to be registered on the statement of Yadwinder Singh. The deceased is his father namely Dalwara Singh who is stated to have died on 26.10.2016 on account of having some poisonous substance.

Initially proceedings were conducted under Section 174 Cr.P.C.

Subsequently, complainant Yadwinder Singh took a stand that he had inquired about the death of his father and found that his father had been indulging in the business of property dealing along with Daljit Singh @ Babli, Bhagwant Singh @ Banta, Gurmeet Singh son of Baljinder Singh and also the present petitioner.

Allegation is that in a conspiracy hatched, 4 acres of land of one Sukhwinder Singh had been sold fraudulently for a sale consideration of Rs.60 lakhs and in which Dalwara Singh (since deceased) had been produced to impersonate for Sukhwinder Singh i.e. the real owner. It was alleged that Dalwara Singh (since deceased) having demanded his share of money, all the accused together had eliminated Dalwara Singh by giving him some poisonous substance and threw his dead body in the fields of the village.

It is a case of circumstantial evidence.

Petitioner is stated to have surrendered on 13.01.2017.

Investigation is complete, challan has been presented and charges framed.

It has gone uncontroverted that during the course of trial, complainant Yadwinder Singh has been examined as PW2 and has not supported the prosecution version.

In view of the above and without making any observations on merits, petition is allowed.

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

Disposed of.

19.05.2017
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(TEJINDER SINGH DHINDSA)
JUDGE

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |