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

**CRM-M No.2584 of 2017
Date of Decision: 01.02.2017**

KULWANT SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

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

Present: Mr. Amandeep Singh, Advocate
for the petitioner.

Mr. Shilesh Gupta, Addl. 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.114 dated 26.11.2010, registered under Sections 420, 467, 468, 471, 120-B IPC at Police Station Jamalpur, District Ludhiana.

At one point of time, petitioner was declared as proclaimed offender (though he could not have been declared as such in terms of Section 82(4) Cr.P.C. for the offences in question). However, the petitioner has already surrendered on 10.11.2016 and since then he is in custody.

The FIR in question came to be registered at the instance of Lakhwinder Kaur @ Bholi with the allegations that

she was married to one Balwinder Singh son of Gurmukh Singh, and she could not bear any child. With her concurrence, Balwinder Singh brought Kulwinder Kaur and from that relationship four children took birth. Balwinder Singh was murdered and FIR No.21 dated 17.02.1996 for the offence under Section 302 IPC was got registered by the petitioner. After the death of Balwinder Singh, complainant was forced to perform *Karewa* marriage with one Gursewak Singh. *Karewa* marriage of the complainant was solemnized with said Gursewak Singh. Complainant did not transfer the property in favour of the accused despite persuasions. During his life time, Balwinder Singh executed sale deed and Will in favour of the complainant. After about 9 years of murder of Balwinder Singh, the complainant and her husband Gursewak Singh were arrested in the said case. When the complainant was in custody, the offence i.e. the subject matter of the present FIR was allegedly committed by showing the complainant to be dead.

Learned counsel for the petitioner submitted that the challan has already been presented and offence is triable by the Magistrate.

Out of total 9 witnesses, 2 witnesses have already expired and remaining accused are statedly on bail. Though the petitioner was declared as proclaimed offender at one point of

time, but now he is in custody since 10.11.2016. Trial of case may take some time.

At this stage, considering the period of custody and nature of offence, I deem it appropriate to grant regular bail to the petitioner.

In view of above, petition is allowed. Petitioner is ordered to be enlarged on 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.

February 01, 2017.

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Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No