

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

CRM No. M-28758 of 2016 (O&M)

Date of Decision: 20.02.2017

Balwinder Singh @ Toni

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. Sukhjot Singh, Advocate for the petitioner.

Ms. Harpreet K. Athwal, DAG, Punjab.

Mr. Monty Goyal, Advocate for the complainant.

...

TEJINDER SINGH DHINDSA, J.(ORAL)

The present petition has been filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner pending trial in case FIR No.228, dated 05.12.2015, under Sections 365/34 IPC (Sections 302/201/411/465/468/471/120-B/473 IPC added subsequently), registered at Police Station Shimlapur, District Ludhiana.

Case involves abduction of Harjinder Kaur on 04.12.2015 and whose body was subsequently found on 07.12.2015.

The FIR had been registered on the statement of Karnail Singh husband of the deceased and who in turn was allegedly informed by one Daljit Kaur as regards his wife having been abducted in a wagon-R car by three unknown persons.

The present petitioner is sought to be implicated on the statement of one Ganesh Sharma son of Vidya Sagar recorded under Section 161 Cr.P.C. on 06.12.2015.

Ganesh Sharma in the circumstances of the case would be a material and star prosecution witness.

Having heard counsel for the petitioner at length, the prayer for grant of bail to the petitioner is declined at this stage with liberty to approach the Court afresh after deposition of Ganesh Sharma is concluded.

Petition is, accordingly, disposed of.

In the meanwhile, it is directed that the prosecution would make an earnest endeavour to have statement of Ganesh Sharma recorded at the earliest.

20.02.2017

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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