

CRM-M-29329-2016 (O&M)

Date of decision: 28.07.2017

Balwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWANPresent: Mr. Divyadeep Walia, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Petitioner is seeking concession of regular bail under Section 439 Cr.P.C. in case FIR No.28, dated 20.02.2015, under Sections 302/34 IPC, registered at Police Station Canal Colony, District Bathinda.

Learned counsel for the petitioner submits that as per the allegation in the FIR, registered on the statement of one Harnek Singh; his brother -Kuldeep Singh has been murdered by some unidentified person. During the course of investigation, the police has recorded the statement of one Rajbir Singh to the effect that deceased-Kuldeep Singh was last seen by him with Vivek Kumar and Arjan. He further submits that as per the statement of Rajbir Singh, recorded under Section 161 Cr.P.C., it was revealed that in fact the deceased- Kuldeep Singh was having illicit relationship with the wife of co-accused Arjan, who is also in custody. Learned counsel for the petitioner further submitted that in fact the statement of Rajbir Singh has already been recorded and he has been declared hostile and he has not supported the prosecution version.

In pursuance to the last order dated 12.07.2017, the statement of PW-5 -Shashi Kumar has also been recorded and there is nothing on

record to connect the petitioner with the commission of offence. Counsel for the petitioner has also referred to the order dated 16.09.2015 passed in CRM-M-30867 of 2015, vide which, the regular bail was granted to the co-accused Vivek Kumar. Thus, it is contended that the petitioner is in judicial custody since 21.02.2015 and he is entitled to concession of regular bail as the only evidence of last seen i.e. PW-Rajbir Singh has not supported the prosecution version.

Learned State counsel, on instructions from HC Balwant Singh, has not disputed the said fact that PW-Rajbir Singh has not supported the prosecution case. It is further submitted by the learned State counsel that 8 more witnesses are yet to be examined, in this case during the course of trial.

Heard, learned counsel for the parties, without commenting on the merits of the case, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail bonds / surety bonds to the satisfaction of the trial Court.

(ARVIND SINGH SANGWAN)
JUDGE

28.07.2017

Hemlata

Whether speaking/reasoned
Whether reportable

Yes / No
Yes / No