

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

CRM-M-30519 of 2017 (O&M)

Date of decision: 25.09.2017

Balwinder Singh @ Toni

... Petitioner

Vs.

State of Punjab

... Respondent

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

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

Mr. Avinit Avasthi, AAG, Punjab.

...

TEJINDER SINGH DHINDSA, J.

The instant 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 Shimlapuri, District Ludhiana.

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

FIR was registered on the statement of Karnail Singh, husband of the deceased and who in turn was allegedly informed by one Baljit Singh as regards his wife having been abducted in a Wagon-R car by three unidentified assailants.

Present petitioner was arrested on 07.12.2015.

Prosecution case is that he has been implicated on the statement of one Ganesh Sharma @ Ganesh Garg son of Vidya Sagar recorded under Section 161 Cr.P.C.

During the course of arguments, it has gone uncontroverted that Ganesh Sharma @ Ganesh Garg has since been examined before the trial Court and he has not supported the prosecution version.

As regards the statement of Baljit Singh is concerned, who was the first informant in the present case, he had not named the present petitioner as regards abduction of Harjinder Kaur (since deceased).

Learned State counsel upon instructions from HC Gurinder Singh would apprise the Court that out of 21 prosecution witnesses cited only 2 have been examined till date. The trial, as such, would take time to conclude.

Material witness, namely, Ganesh Sharma @ Ganesh Garg has already been examined. Petitioner has faced incarceration since 07.12.2015.

In the totality of circumstances and without making any observations on merits, petitioner 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, Ludhiana.

25.09.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

(i) Whether speaking/reasoned?	Yes
(ii) Whether Reportable?	No