

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

CRM-M-31491-2017 (O&M)

Date of decision: - 19.9.2017

Arjun Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: - HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN.

Present: - Mr. J.P.S. Brar, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

ARVIND SINGH SANGWAN, J (ORAL)

This is a petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 28 dated 20.2.2015, under Sections 302, 34 IPC, registered at Police Station Canal Colony, Bathinda, District Bathinda (Annexure P-1).

Learned counsel for the petitioner submits that after his first bail petition was dismissed as withdrawn, statements of the prosecution witnesses have been recorded and on the basis of same, he has filed the present second bail petition.

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 petitioner. 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 petitioner. He further submitted that in fact the statement of Rajbir Singh has already been recorded in Court and he has been declared hostile and he has not supported the prosecution version.

It is further submitted that vide order dated 16.9.2015 passed in CRM-M-30867-2015, co-accused Vivek Kumar has already been granted regular bail and even as per the statement of PW-5 Shashi Kumar, nothing has come on record to connect the petitioner with the commission of offence.

It is further submitted that the only evidence of last seen i.e. PW-2 Rajbir Singh has not supported the prosecution version. Learned counsel for the petitioner further submits that another co-accused Balwinder Singh has also been granted the concession of regular bail vide order dated 28.7.2017 passed in CRM-M-29329-2016.

Learned State counsel, on instructions from ASI Raghubir Singh submits that four official witnesses are yet to be examined and has not disputed the factual position.

Without commenting upon merits of the case, present petition is allowed. Petitioner is directed to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case or found misusing concession of bail.

(ARVIND SINGH SANGWAN)
JUDGE

19.9.2017
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