

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

CRM-M-32879-2016 (O&M)

Date of Decision: 31.05.2017

Pargat Singh

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Ms. Divya Sharma, Advocate for the petitioner.

Mr. Varun Sharma, AAG, Punjab.

Mr. R.S. Bains, Advocate for the complainant.

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.39, dated 31.03.2011, under Sections 302/201/148/149 IPC, registered at Police Station Bhikhiwind, District Tarn Taran.

FIR came to be registered on the statement of Balwinder Singh. Deceased is Rajwant Kaur i.e. the real sister of the complainant. Present petitioner is the father-in-law of the deceased.

Complainant has asserted that his sister Rajwant Kaur (since deceased) was married to Umrao Singh i.e. son of the petitioner more than 20 years prior in point of time. There are allegations that in-laws family of his sister used to harass her. Umrao Singh i.e. husband of the deceased was stated to be residing in England and the present petitioner was denying to his own son any property rights. Complainant further asserted that his sister was residing at her in-laws place in a farmhouse situated outside the village.

On account of the constant harassment, the complainant used to remain in constant touch with her. Complainant alleges that on 30.03.2011, Sohan Singh had visited her daughter i.e. Rajwant Kaur at about 4 o' clock and returned back to the village and had informed that the present petitioner had left son of the deceased with some relative. Even wife of the present petitioner was away to some religious shrine. At about, 8 p.m., on 30.03.2016, niece of the complainant informed that phone of Rajwant Kaur (since deceased) was coming switched off and even the grandfather i.e. the present petitioner was not taking the call. Accordingly, upon receiving such information at about 9 p.m. on the same day, the complainant along with Ex-Sarpanch, Satnam Singh of village Sekh reached the house of his sister on a motorcycle and noticed 6-7 persons including the present petitioner hurrying towards the fields. Upon entering the house, it was found that a fire was going on and a half burnt dead body was lying. Against such backdrop, it was alleged that the father-in-law i.e. the present petitioner in connivance with others had killed Rajwant Kaur and in an attempt to destroy evidence had even tried to burn the dead body.

Petitioner has been in custody since 09.04.2011.

The prayer made in the instant petition is vehemently opposed by learned State counsel as also counsel appearing for the complainant by contending that the post mortem conducted on the dead body has revealed that death had occurred on account of five gun shot injuries. Further contended that even the scalp had fractures and which in itself would be a clear pointer of the brutality with which Rajwant Kaur had been killed.

Having heard counsel for the parties at length, this Court is of the considered view that the prayer made in the instant petition merits

acceptance.

Petitioner is stated to be 80 years old.

It is a case of circumstantial evidence.

Petitioner has faced incarceration for a period in excess of six years.

In the trial, out of 18 prosecution witnesses cited, nine have been examined till date.

Even though, in the present case, the petitioner would be viewed as a main accused, yet this Court cannot proceed oblivious of his right to a speedy trial.

Without making any observations on merits and keeping in view the length of incarceration already suffered by the petitioner, he is held entitled to the benefit of bail.

Petitioner, Pargat Singh be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Tarn Taran.

Disposed of.

31.05.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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