

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

**CRM No.M-34777 of 2017 (O&M)
Date of Decision: December 18, 2017**

Diljinder Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.A.P.S.Deol, Senoir Advocate with
Mr.Himmat Singh Deol, Advocate
for the petitioner.

Mr.Ayush Sarna, Asstt. Advocate General, Punjab
for the respondent-State.

Mr.Karamjit Singh Chahal, Advocate
for the complainant.

INDERJIT SINGH, J.

Petitioner has filed this second petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.88 dated 12.06.2015 under Sections 302, 307, 506, 120-B, 34 IPC and Section 25 and 27 of the Arms Act, registered at Police Station Bagha Purana, District Moga.

Notice of motion was issued. Learned State counsel as well as learned counsel for the complainant appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

As per the FIR, Simar Singh alias Simma, main accused wanted

to marry Parminder Kaur, grand daughter of the complainant, to which the complainant party refused. It is in the FIR that 2-3 months earlier, Simar Singh had gone to family of complainant's daughter Ranjit Kaur at Moga and threatened them that if they do not agree to the matrimonial alliance, then they will have to bear the consequences. As per the FIR, when Beant Singh, son of the complainant was going on motorcycle, Simar Singh along with two unidentified persons was sitting in the car. Simar Singh was armed with revolver. One unidentified person, who was driving the car, kept sitting in the car, while Simar Singh and one another unidentified person, came out of that car. The unidentified person raised *lalkara*, whereupon Simar Singh fired four shots from his revolver directly on complainant's son Beant Singh, which hit him on the right side of head, right eye, right shoulder and right hand.

The present petitioner is not named in the FIR. As per the allegations, he has got identified Beant Singh to other accused. The present petitioner is not stated to be armed with any weapon nor any injury is attributed to him. He has been in custody since 30.06.2015. He is not required for any investigation or interrogation purposes as he is in judicial custody. The trial of the case will take long time. I have gone through the statement of PW-2 Hari Singh also, which is placed on record to show that no role is attributed to present petitioner Diljinder Singh by the witness.

At this stage, keeping in view the custody period and without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find that no useful purpose will be served by keeping the petitioner in custody till disposal of the case.

In view of the above discussion, the present petition is allowed.

The petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

December 18, 2017	(INDERJIT SINGH)
Vgulati	JUDGE
Whether speaking/reasoned	Yes
Whether reportable	No