

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

Criminal Misc. No.M-36654 of 2017(O&M)
Date of Decision: December 19, 2017.

Balwinder Singh Brar @ Brara

Petitioner.

Versus

State of Punjab

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Nitin Thatai, Advocate
for the petitioner.

Mr.Rahul Rathore, DAG, Punjab.

Mr. Rahul Rampal, Advocate
for the complainant.

LISA GILL, J.

Petitioner seeks the concession of bail pending trial in FIR No.99 dated 24.05.2017, under Section 306 IPC, registered at Police Station Division No. 4, District Ludhiana.

It is submitted that the petitioner was falsely implicated on the statement of the complainant, who is the brother-in-law (Devar) of the deceased. It is submitted that the offence punishable under Section 306 IPC is not made out against the present petitioner. Moreover, the complainant has not supported the prosecution version while testifying before the learned trial Court on 13.12.2017. Another material witness i.e. PW-2-Kulwinder Gandhi, an uncle of the deceased has also not supported the prosecution case. The petitioner, it is submitted is not involved in any other criminal case. Therefore, it is prayed that this petition be allowed.

Certified copies of the statements of the complainant-PW-1 and PW-2-Kulwinder Gandhi are taken on record subject to just exceptions.

Learned counsel for the State is unable to deny that the complainant as well as the another material witness have not supported the prosecution case. The petitioner is not reported to be involved in any other criminal case.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in Court, if released on bail. No useful purpose would be served by keeping the petitioner incarcerated any longer in the facts and circumstances of this case.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition filed by petitioner-Balwinder Singh Brar @ Brara, is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

19.12.2017
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.