

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-46955 of 2017

Date of Decision: 20.12.2017

Sukhpal Singh @ Sukhvir Singh @ Neela

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. K.B.S. Mann, Advocate
for the petitioner.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.77 dated 21.04.2016 registered for offences punishable under Sections 302/34 of Indian Penal Code (for short, "IPC") at Police Station Nathana, District Bathinda.

Heard.

Notice of motion.

On asking of the court, Ms. Seena Mand, DAG, Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with her.

Petitioner is facing trial in the instant FIR for the murder of Lakhwinder Singh, husband of complainant, who was taken away from his house on 20.04.2016 by Yadwinder Singh @ Dimpy.

Learned counsel for the petitioner submits that the only evidence against petitioner was testimony of Chamkaur Singh, eye-witness

of the occurrence, who had named petitioner in his statement made to the police under Section 161 Cr.P.C. However, while appearing as PW-4, Chamkaur Singh has not supported the prosecution version and has named Jagsir Singh and Gurmail Singh as the persons, who caused injuries to deceased with another unidentified person.

Learned State counsel submits that besides statement of Chamkaur Singh, silver *kada* having imprint of name of deceased, which the deceased was wearing at the time of incident was recovered from possession of the petitioner.

In the FIR, complainant had named Yadwinder Singh @ Dimpy, Sukhvir Singh (petitioner) and Amrit Pal and has stated that Yadwinder Singh @Dimpy came to the house to take her husband with him and told that Sukhvir Singh (petitioner) and Amrit Pal were waiting for them.

Chamkaur Singh while appearing as PW-4 has named Jagsir Singh and Gurmail Singh as the persons, whom he had seen causing injuries to deceased. Third person has not been identified. Learned trial Court has summoned both Jagsir Singh and Gurmail Singh as additional accused.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Sukhpal Singh @ Sukhvir Singh @ Neela is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

(a) The petitioner shall comply with the conditions

mentioned in Section 437(3) Cr.P.C.

- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

December 20, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No