

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

209

CRM-M-495-2017

Decided on : 14.02.2017

Harbans Lal

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM : HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present : Mr.H.S. Gill, Sr.Advocate with
Mr.KBS Mann, Advocate
for the petitioner.

Mrs.Bhavna Gupta, DAG, Punjab.

Harinder Singh Sidhu, J. (Oral)

This is petition filed under Section 439, Cr.P.C. for grant of regular bail to the petitioner in case FIR No.298, dated 14.11.2013 under Sections 364/34 (Section 302/201 added lateron), registered at Police Station Phillaur, District Jalandhar.

The FIR in question was registered on the statement of Baldev Singh son of Gurdas Ram with the allegation that his son Hardeep Singh, aged about 25 years, who was doing the work of cycle repair at Banga, had left the home on 11.11.2013 at about 8.00 p.m. after taking his meals but he did not return back. He lodged a missing report at Suvidha Centre, Phillaur about his missing. Later he came to know from reliable sources that his son Hardeep Singh had been kidnapped by Balwinder Ram @ Vijay Chumber son of Harbans Lal (his father), residents of Samrai with an intention to kill him as they earlier had altercations with his son. For such acts, the said persons had also given in writing to Panchayat seeking pardon.

Learned counsel for the petitioner states that only piece of evidence against the petitioner is the statement of Mohan Lal, Sarpanch of village Samrai regarding extra judicial confession made by the petitioner and his son Balwinder Ram @ Vijay Chumber in which the son of the petitioner is alleged to have confessed that he committed the murder of deceased Hardeep Singh @ Deepa and that his father Harbans Lal (petitioner) helped him in disposing of the body. Apart from this, there is no legal evidence to connect the petitioner with the alleged offence.

The petitioner is in custody since 15.11.2013. There are 24 prosecution witnesses. As on date, only 03 witnesses for the prosecution are stated to have been examined. Trial of the case will take long time.

In these circumstances, I am of the considered opinion that the petitioner is entitled to the concession of regular bail. Accordingly, present petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the Chief Judicial Magistrate, Jalandhar.

[Harinder Singh Sidhu]
Judge

14.02.2017
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No