

Sr. No.227

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

CRM No. M-12773 of 2018 (O&M)

Date of Decision: 03.04.2018

Bahadar Ali

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. Ravinder Singh Marahar, Advocate,
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner seeks regular bail pending trial in case FIR No.22 dated 04.04.2017, under Sections 302, 201, 34, 120-B IPC, registered at Police Station, G.R.P. District Sangrur.

FIR came to be registered on the statement of Anwar Mohammad. Deceased is the younger brother of the complainant, namely, Nazar Ali. Complainant asserted that he had been informed by the grandson of his aunt that dead body of Nazar Ali was lying on a railway track. Upon reaching the spot complainant identified the dead body of his brother and expressed the belief that certain unknown persons have killed his brother and thereafter have thrown the body on the railway track.

Present petitioner is sought to be implicated on the statement suffered by one Bahadur Khan and recorded on 11.04.2017 i.e. after a period of one week from the date of

recovery of the dead body of Nazar Ali.

As per statement of Bahadur Khan, one Gurtej Singh @ Tej, Nazira @ Rani and the present petitioner had been overheard making a plan to eliminate Nazar Ali as they had together committed theft of copper from transformers and having sold the same through the deceased.

Prosecution is also relying upon the statement of Mohd. Zahid recorded under Section 164 Cr.P.C. and which would indicate the complicity of the present petitioner in the commission of offence.

Petitioner was arrested on 21.06.2017.

Investigation in the case is complete, challan stands presented and even charges have been framed.

Trial is at the very initial stage and would take time to conclude.

It is a case of hearsay evidence.

The evidentiary value of the statement suffered by Bahadur Khan and recorded on 11.04.2017 would be an issue to be considered by the trial Court.

Co-accused Nazira @ Rani has been granted benefit of bail by this Court in the light of order dated 14.02.2018 in CRM No.M-5532 of 2018.

Without making any observations on merits, petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Sangrur.

It is clarified that the observations made by this Court in this order are confined only as regards considering the prayer of the petitioner for grant of bail and would have no bearing on the merits of the case.

Disposed of.

03.04.2018

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No