

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

CRM-M-37059-2018 (O&M)

Date of Decision:-28.9.2018

Balwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Anterpreet Singh, Advocate for the petitioner.

Mr. A.S. Sandhu, Additional Advocate General, Punjab.

GURVINDER SINGH GILL, J. (Oral)

By way of filing this petition, the petitioner Balwinder Singh seeks grant of regular bail in respect of a case registered against him vide FIR No.278 dated 14.11.2016 under Sections 302, 201 and 34 of Indian Penal Code, 1860 at Police Station Salem Tabri, District Police Commissionerate, District Ludhiana.

The FIR was registered at the instance of Avtar Singh, wherein it has been alleged that his daughter Maninder Kaur was married to Amritpal Singh on 19.9.2010. The said Amritpal Singh, however, expired on 26.2.2016 and thereafter Maninder Kaur had been residing in her in-laws house alongwith her daughter. Although, the deceased Amritpal Singh had executed a Will in respect of a plot measuring 300 Sq.Yds. but the in-laws of Maninder Kaur were, however, pressurizing her to give a share out of the said property. It is alleged that subsequently the father-in-law of Maninder

Kaur namely Balwinder Singh that is the present petitioner, the mother-in-law and sister-in-law had inflicted injuries and killed Maninder Kaur.

Notice of this petition was issued to the State.

The learned counsel for the petitioner has submitted that no specific injury is attributed in the FIR and that infact there is no eye-witness to the alleged incident. It has further been submitted that co-accused namely Balwinder Kaur, mother-in-law of Maninder Kaur, who is identically situated, has already been granted bail and that in these circumstances, the petitioner who is aged 65 years, also deserves the concession of bail on grounds of parity, especially in view of the fact that he has been behind bars since the last about two years.

On the other hand, the learned State counsel has submitted that in the present case, the dead-body of Maninder Kaur was found lying in the house of the petitioner and that the co-accused Jashanpreet Kaur, sister-in-law of Maninder Kaur, had made a disclosure statement stating that the present petitioner and his wife had caught hold of Maninder Kaur, while Jashanpreet Kaur had inflicted injuries with the help of an iron rod to the deceased leading to her death. It has, however, been informed that as on date 8 prosecution witnesses out of 23 have been examined including the material witnesses and that it is only the official witnesses, who remain to be examined.

Having regard to the aforesaid facts and circumstances expecially bearing in mind the fact that the petitioner has been behind bars since the last about 1 year and 10 months and that the material witnesses are stated to have already been examined, in my opinion, no useful purpose will be served by detaining the petitioner behind bars any further, who is stated

to be aged 65 years. The petition, as such, is accepted. The petitioner Balwinder Singh is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

This present petition stands accepted accordingly.

28.9.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No