

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

**CRM-M-43113-2018 (O&M)
Date of decision:15.12.2018**

Daya Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Gursimran Singh Jossan, Advocate
for the petitioner.

Ms. Simranjeet Kaur, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

The petitioner seeks grant of regular bail in case registered vide FIR No.2 dated 5.1.2017, Police Station Chabhal, Tarn Taran, under Sections 302, 364, 34 of Indian Penal Code, 1860.

The FIR was registered at the instance of Jagtar Singh wherein he has alleged that his stepson Bikramjit Singh @ Baggy was having a love affair with Davinder Kaur daughter of Paramjit Singh which was objected to by member of family of Davinder Kaur. It is alleged that on 4th January, 2017, Manpreet Singh, Gupreet Singh and

Daya Singh sons of Paramjit Singh along with unidentified persons had come to their house and told Bikramjit Singh @ Baggy to accompany them. Subsequently on the next day when the complainant along with Satnam Singh and his wife Kulwant Kaur went to the house of Paramjit Singh, they saw Bikramjit Singh @ Baggy whose hands had been tied with the rope and who was found to be having grievous injuries. While on their way to hospital, Bikramjit Singh @ Baggy disclosed that Manpreet Singh had tied his hands while Daya singh had caused injuries to him with the baseball bat and Gurpreet Singh caused injuries with an iron rod. Said Bikramjit Singh ultimately succumbed to his injuries.

Learned counsel for the petitioner has submitted that when the complainant-Jagtar Singh stepped into the witness-box, he absolutely resiled from his statement. In fact even the eye-witness Satnam Singh also did not support the case of prosecution. A prayer has thus been made for grant of bail.

The aforesaid position has not been disputed by learned State counsel. It has further been informed that the petitioner has been behind bars since last 1 year and 8 months.

Having regard to the abovesaid facts and circumstances and bearing in mind the aforesaid position wherein complainant and eye-witness have already been examined and who have not supported the prosecution case and that the petitioner has been in custody since the last one year and eight months, in my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars. Accordingly, petitioner is ordered to be released on bail on his furnishing bail

bonds/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

This petition stands accepted accordingly.

15.12.2018
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**