

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

**CRM-M-44955-2018
Date of Decision:17.10.2018**

Boota Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. Navkiran Singh, Advocate
for the petitioner.

Mr. Luvinder Sofat, A.A.G. Punjab.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner has sought for regular bail under the provision of Section 439 Cr.P.C in case FIR No.29 dated 01.06.2018 registered under Sections 302/34 IPC at Police Station Dhilwan, District Kapurthala.

2. Learned counsel for the petitioner submitted that petitioner's role in the alleged offence under Section 302 IPC read with Section 34 IPC is only to the extent of shouting/extortion to kill the deceased. In other words, only instigation has been made. It was also submitted that petitioner is aged about 80 years. He is in custody since 1.6.2018.

3. Per contra, learned State counsel submitted that petitioner had instigated Sukhjinder Singh to kill the deceased by shouting at him. Challan has been filed on 20.08.2018 and now the matter is listed for further proceedings on 20.10.2018.

4. Heard learned counsel for the parties.

5. Having regard to the role played by the petitioner for the offence under Section 302 IPC read with Section 34 IPC to the extent of instigating to kill the deceased read with the age of the petitioner who is

aged about 80 years and trial of the case would take some time, petitioner- Boota Singh is ordered to be released on bail to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate.

6. However, the petitioner shall not in any way indulge in any criminal activities and he shall also not influence the witnesses or otherwise interfere with the fair trial.

7. Petition is allowed accordingly.

17.10.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**