

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

CRM-M-47797-2018

Date of decision:28.11.2018

Sonu and another

.....Petitioners

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr. Salil Devi Singh Bali, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Kuldip Singh, J. (Oral)

The petitioners have filed this petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.222 dated 24.09.2017 under Sections 302, 364, 148 & 149 IPC, registered at Police Station Bhikhiwind, District Tarn Taran (Annexure P-1).

Heard.

As per version in the FIR, Buta Singh (deceased) has earlier committed the murder of Harbans Singh for which he was acquitted. It is alleged by the complainant-Baj Singh that Gurmeet Singh strangled Buta Singh with a rope. Vicky got a Datar from his house and Gurmeet Singh @ Meeta took this Datar from his son Vicky and gave a blow on the head of Buta Singh. The role attributed to the petitioners-Sonu and

Baldev Singh is that they were dragging Buta Singh with the help of co-accused. As per MLR, the cause of death was strangulation. The head injury was also found. There were multiple bruises of linear pattern on spinal area of body. In this case, challan has been presented and charges are yet to be framed. The petitioners are in custody since 11.04.2018.

Learned counsel for the petitioners submits that Baldev Singh was witness in the case in which, Buta Singh-deceased tried for murder of Harbans Singh and for this reason he has been named. The role attributed to the petitioners-Sonu & Baldev Singh are that they dragged the deceased, whereas, death was caused by strangulation and the head injury which is not attributed to them. At this stage, it is not deem proper to comment on the merits of the case.

Considering that the petitioners are in custody since last seven months and the charges are yet to be framed, there is no ground for further detention of the petitioners.

Accordingly, the present petition is allowed and the petitioners are ordered to be released on bail on their furnishing personal bonds in the sum of Rs. One lac each with one surety of the like amount each to the satisfaction of the trial Court, subject to the following conditions:-

- (1) Petitioners shall surrender their passport before the trial Court, if any, and shall not leave the country without prior intimation to the Court;
- (2) Petitioners shall not directly or indirectly give any inducement or threat or promise to any witness and
- (3) Petitioners shall attend the Court on each and every date

of hearing before the trial Court and in case of their absence, trial Court shall be competent to cancel their bail.

Accordingly, the petition stands allowed.

(KULDIP SINGH)
JUDGE

28.11.2018

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Whether speaking/ reasoned: Yes

Whether Reportable: No