

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-47141-2017 (O&M)

Date of Decision: 22.02.2018

Jaswant Singh @ Buntty

--Petitioner

Versus

State of Punjab

--Respondent

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

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

Mr. S.S. Sandhu, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J (Oral)

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.317 dated 9.9.2015 under sections 302, 34 I.P.C, registered at Police Station, Basti Jodhewal, District Ludhiana.

Learned counsel for the parties have been heard.

FIR came to be registered on the statement of Atul Kumar Aggarwal. Complainant asserted that his maternal aunt had lost her husband and was living alone in certain residential premises in Ludhiana. She was not having any issue. Complainant also stated that even though he was living in Meerut but he used to visit his maternal aunt occasionally and who had confided him that a young punjabi man along with his wife used to reside as tenant in one room and had not paid the rent for a certain length of time. On 9.9.2015 complainant was informed by one Bhawani Parshad on telephone that room of his maternal aunt is lying locked for the last 3-4 days. Complainant having proceeded to Ludhiana noticed room of his aunt lying locked and foul smell emanating. The room having been opened body of maternal aunt of complainant namely Santosh Kumari was retrieved and

which carried injuries inflicted by sharp edged weapon. Complainant alleged that his maternal aunt had been murdered by certain unknown persons.

Present petitioner has been roped in on the strength of a confessional statement that he is alleged to have made before Bhawani Parshad as regards a fight having taken place with Santosh Kumari on the issue of not paying rent and thereafter Manjit Kaur stated to be the wife of the present petitioner having held the arms of Santosh Kumari and the present petitioner having stabbed her with a knife.

Petitioner was arrested on 6.12.2015.

It is the contention raised by counsel that no cogent and conclusive evidence had been collected by the Investigating Agency to reflect the petitioner to be a tenant in the premises of the deceased or for that matter Manjit Kaur to be his wife.

Learned State counsel informs that in the trial that has ensued, out of 22 prosecution witnesses 6 have been examined till date.

Trial, as such, would take time to conclude.

The evidentiary value of the confessional statement alleged to have been made by the petitioner before Bhawani Parshad would be an issue to be dealt with by the Trial Court.

Material witnesses i.e. complainant as also Bhawani Parshad PW-2 have already been examined before the Trial Court.

Keeping in view the length of incarceration already suffered by the petitioner and without making any observations on merits, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate concerned.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

22.02.2018

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