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

CRM-M No.5202 of 2018
Date of Decision: 14.02.2018

Pargat Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Jupinder Pal Singh Brar, Advocate
for the petitioner.

Mr. Sandeep Kumar, D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

1. Petitioner seeks grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.165 dated 24.08.2017 under Section 307 IPC registered at Police Station Maur, District Bathinda.

2. Complainant Jagdeep Sharma got the FIR registered with the allegations that on 23.08.2017, father of the complainant made a call on the cellphone of his mother that he was about to start from Gurudwara Sahib after locking the same. When he did not turn up, the complainant made efforts to locate him. When his mother called on the cellphone of his father, the same was picked up by co-villager namely Balraj Singh @ Babby who told

the complainant that his father has met with an accident. The complainant rushed to the spot and saw his father lying on the ground. The complainant showed suspicion in respect of alleged occurrence.

3. The prosecution has recorded statements of Harpreet Singh son of Kulwant Rai in the context of threat having been given by the petitioner along with co-accused and secondly, statement of Ranjit Singh son of Harnek Singh was recorded on 04.09.2017 to show that the petitioner was a driver on the motorcycle on which two of the co-accused were sitting duly armed with iron pipe and sticks. The said witness could not make any statement on 24.08.2017 being out of village. The very recording of his statement on 04.09.2017 would be debatable as to the exact version projected by the witness.

4. Evidently, there is no eye witness to the alleged occurrence. The petitioner has not been ascribed with any specific role except driving the motorcycle belonging to his father.

5. Petitioner is in custody since 05.09.2017.

6. It would be debatable as to the complicity of the petitioner with reference to the material on record.

7. Challan has already been presented on 31.10.2017.

8. The trial of the case may take some time in its

culmination.

9. In view of above, the petition is allowed. Petitioner is ordered to be released on regular bail subject to his furnishing heavy bail bonds/surety bonds to the satisfaction of trial Court.

10. Nothing observed hereinabove shall be construed to be an opinion on the merits of the case.

14.02.2018
jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No