

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

**CRM-M No. 52135 of 2018
Date of Decision:-17.12.2018**

Kulwinder Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Gurvinder Singh Sidhu, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ J.(Oral)

Petitioner Kulwinder Singh is in custody since the date of arrest i.e. 07.8.2017 and has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.90 dated 29.4.2017, under Sections 306, 384, 388, 389 and 506 read with Section 34 IPC, registered at Police Station Ellenabad, District Sirsa.

The FIR was registered on the basis of statement given by Joga Singh (since deceased) wherein it is alleged that accused Kulwinder Singh had taken land belonging to his daughters namely, Gurmit Kaur and Veerpal Kaur on lease, however, the amount of lease (*batai*) was not paid by him. It is mentioned in the statement that on the night of Diwali,

Kulwinder Singh (petitioner) served him liquor and food and later on he felt that some intoxicant substance was also administered in the liquor. On the next day, he got up late with the headache. It is further narrated by Joga Singh that a phone call was received from phone No.98284-92160 extending him threat about a wrong act allegedly committed by him (Joga Singh) with his (Kulwinder Singh) wife. A demand of Rs.5,00,000/- was made from him, otherwise it was threatened that he will be involved in a rape case. As a result of this, Joga Singh consumed some spray and resultantly died on 15.12.2016.

Learned counsel for the petitioner has contended that in fact an FIR already stood registered at his instance against Joga Singh under Section 376 IPC at Police Station Jetsar, District Sri Ganganagar (Rajasthan) on the basis of a complaint dated 02.11.2016. However, this fact is opposed by learned State counsel on the ground that the FIR in fact was registered on 11.11.2016. The learned State counsel has opposed the bail application on the ground that the offence is serious.

In all there are 13 prosecution witnesses and out of them 08 have been examined. It is not in dispute that the material witnesses have already been examined and only official witnesses remain to be examined. Learned counsel has further argued that the phone number, which is allegedly given in the FIR does not belong to him.

Considering the custody of the petitioner, the stage of the trial, which is likely to take some more time, further detention of the petitioner is not justified. Without commenting anything upon merits of the case and

considering the custody and status of the trial, the petitioner, namely, Kulwinder Singh is admitted to regular bail subject to his furnishing the requisite bail bonds and surety bonds to the satisfaction of the concerned trial Court.

The petition is allowed.

December 17, 2018
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No