

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

Criminal Misc. No.M- 5512 of 2018(O&M)

Date of Decision: March 09 , 2018.

Balbir Singh @ Beera

..... PETITIONER (s)

Versus

State of Punjab

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. S.S.Rangi, Advocate
for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

Mr. Amanpreet Singh, Advocate
for the complainant.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.64 dated 13.07.2017 under Sections 307/364/354/323/325/148/149 IPC read with Sections 25/54/59 of the Arms Act, registered at Police Station Bhadson, District Patiala.

It is submitted that the petitioner was not named in the FIR. The complainant in the FIR has named Shamsheer Singh, Karnail Singh and one Bikkar Singh. It is mentioned that they were accompanied by three unknown persons. However in the supplementary statement recorded after about 15 days

on 28.07.2017, the complainant in a curious manner stated that Bikkar Singh has been wrongly mentioned whereas, it is the present petitioner Balbir Singh @ Beera who had accompanied Shamsher Singh and Karnal Singh. In the said supplementary statement, she also stated that the persons with muffled faces were two in numbers i.e., Pargat Singh and Balwinder Singh. It is sought to be explained that the complainant could not disclose the correct names and addresses of the said persons as she was under the influence of medicines.

Learned counsel for the petitioner submits that false implication of the petitioner is apparent from the fact that the complainant as well as the petitioner belong to the same village and are well known to each other. There is no question of not having given the name of the petitioner at the outset. The co-accused Pargat Singh and Balwinder Singh @ Gaggi have been afforded the concession of bail pending trial by this Court on 11.01.2018 and 25.01.2018 in CRM No.M-42106 of 2017 and CRM No.M-1458 of 2018, respectively. The petitioner, it is submitted, is not involved in any other criminal case. The petitioner undertakes not to misuse the concession of bail, if afforded to him. It is thus prayed that this petition be allowed.

Learned counsel for the complainant and the State are unable to deny that the petitioner and the complainant belong to the same village. It is further not denied that the complainant in her initial statement on 13.07.2017 named one Bikkar Singh alongwith Shamsher Singh and Karnail Singh, whereas in her supplementary statement recorded on 28.07.2017, the present petitioner has been named instead of Bikkar Singh.

Learned counsel for the State, on instructions from ASI Gursharan

Singh, verifies that the petitioner is not involved in any other criminal case. There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

It is made clear that the petitioner shall not directly or indirectly try to contact the complainant-prosecutrix/any of her family members or witnesses in this case. Any such infraction on the part of the petitioner may entail cancellation of his bail.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

March 09 , 2018.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No