

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7169-2018

Date of decision: 23.02.2018

Balkar Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. L.M. Gulati, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.24 dated 14.05.2016 under Sections 302/34 IPC, registered at Police Station Khilchian, District Amritsar.

Learned counsel for the petitioner submits that with regard to the incident of 09.05.2015, when nephew of the complainant namely Jatinder Singh @ Sonu was found dead with number of injuries, FIR was registered on 14.05.2016 i.e. after about 01 year. It is further submitted that after recovery of the dead body, proceedings under Section 174 Cr.P.C. were initiated by the police and it has come during the investigation that the deceased Jatinder Singh was habitual of taking intoxicants, so due to overdose of intoxicants, he had died. Counsel for the petitioner further submits that the petitioner was arrested

on 13.10.2016 and since then, he is in judicial lockup and a period of 01 year, 04 months and 09 days has passed. The prosecution has relied upon the statement of Shamsher Singh and Mehar Singh, who have last seen the deceased in the company of petitioner and co-accused and one Harpreet Singh, before whom the alleged extra judicial confession was made by the petitioner. Counsel for the petitioner also submits that all the three witnesses have already been examined before the trial Court. PW3 Shamsher Singh and PW5 Mehar Singh, the witnesses of the last seen have been declared hostile as they failed to prove the prosecution version. Similarly, PW6 Harpreet Singh was also declared a hostile witness, as he has denied that the petitioner Balkar Singh has made any extra judicial confession before him. Counsel for the petitioner submitted that apart from these three witnesses, the other witnesses are only official witnesses and therefore, neither there is any evidence on record to prove the guilt of the petitioner nor there is any possibility of influencing official witnesses.

Learned State counsel, on instructions from ASI Harpal Singh, has however opposed the prayer for bail on the ground that as many as 10 injuries were found on the body of the deceased Jatinder Singh and the complainant has attributed a motive that Amritpal Singh used to say that his nephew Jatinder Singh was having two weapons, which he has concealed somewhere and was not returning and on that account, Amritpal Singh and Balkar Singh have murdered his nephew.

Without commenting on merits of the case, considering the fact that the FIR was registered one year after the death of Jatinder Singh; petitioner is in judicial lockup for the last 01 year, 04 months and 09 days; all the three

prosecution witnesses of last seen and of extra judicial confession, have been declared hostile and have not supported the prosecution version, this petition is allowed and the petitioner is directed to be released on bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

23.02.2018
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No