

Crl. Misc. No. M-1984 of 2019

Date of Decision: January 22, 2019

Kulwant Singh and another

.....Petitioners

versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTALPresent: Mr. B.S. Baath, Advocate
for the petitioners

Mr. Abhaypal Singh Gill, AAG Punjab

Sudhir Mittal, J. (Oral)

The petitioners seek grant of regular bail in a complaint No. 150 dated 13.06.2016 under Sections 302/34 IPC titled as ***Joginder Singh vs. Bakhshish Singh etc.***

Learned counsel for the petitioners submits that an incident took place on 16.03.2016 in which daughter of petitioner No. 1 was allegedly molested by accused namely Taljinder Singh @ Bhinda. Petitioner No. 1, his wife and Bakhshish Singh (brother of petitioner No. 1) came to rescue daughter of petitioner No. 1. Meanwhile, Baljit Singh @ Balla (who was standing outside on his motorcycle) went and fetched the mother of Taljinder Singh @ Bhinda, who came back with point .32 bore revolver. She handed over the said revolver to Baljit Singh @ Balla, who took petitioner No. 1 and Bakhshish Singh to the nearby fields and shot petitioner No. 1. To save him, Bakhshish Singh hit Baljit Singh @ Balla on head with 'Phawda' resulting in his death. An FIR No. 16 dated 16.03.2016 has been registered against Taljinder Singh @ Bhinda and his mother *inter alia* under Section 307 IPC. A DDR was registered against the petitioners and Bakhshish Singh, in the said FIR for having murdered Baljit Singh @ Balla. It was found by the police that death of Baljit Singh @ Balla was caused in self defence and,

therefore, a cancellation report was submitted. However, father of Baljit Singh @ Balla objected to the cancellation report and the said objection has been treated as a complaint viz. the present complaint. It is, thus, apparent that the petitioners are innocent and had no role to play in the death of Baljit Singh @ Balla. Infact, petitioner No. 1 is the injured in FIR No. 16 dated 16.03.2016 and their summoning as an accused in the complaint case is motivated. Being innocent persons, they deserve the concession of regular bail as they have been in custody since 06.09.2018 and there is no other criminal case pending against them. The trial is also not likely to be concluded at an early date as only charge has been framed till date.

Learned State counsel submits that it would be for the trial Court to decide upon the authenticity of the complaint and the FIR version. Serious allegations have been made against the petitioners and, thus, it would not be safe to release them on regular bail, till the complainant and the eye witnesses have been examined. He, however, does not dispute that there is no other criminal case pending against the petitioners and that examination of PWs has not yet commenced as yet. It is also not denied that the police had presented a cancellation report in the DDR registered against the petitioners.

Thus, keeping in view the facts and circumstances of this case as well as the fact that the trial is not likely to be concluded at an early date, I deem it just and appropriate to release the petitioners on regular bail.

Accordingly, the petition is allowed and the petitioners are directed to be released on regular bail on their furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

January 22, 2019

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[SUDHIR MITTAL]

JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No