

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

**CRM-M-46351-2018
Date of decision: 07.01.2019**

Balvir Singh**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Manjit Singh Uppal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 34 dated 18.03.2017, registered under Sections 302/34 of the IPC at Police Station Sardulgarh, District Mansa.

Learned counsel for the petitioner submits that petitioner is in judicial custody since 19.03.2017 and only partial statements of two of the prosecution witnesses have been recorded so far.

Learned counsel for the petitioner further submits that petitioner is an old man, aged about 65 years and the allegations against him are that he had raised the *lalkara*, on which, the co-accused caused the murder of the husband of the complainant, namely Suresh Kumar, who is also the son of the petitioner.

Learned counsel for the petitioner further submits that no motive is attributed to the petitioner to cause the murder of the husband of the complainant and as per the version given in the FIR, the complainant,

wife of deceased Suresh Kumar, has stated that another son of the petitioner, namely Surinder Kumar, was married to the real sister of the complainant and he had left her sister, due to which, there was a dispute in the family and her husband was supporting her and on that account, the accused persons have committed the murder of her husband.

Learned counsel for the petitioner further submits that even as per the version, given in the FIR, no injury is attributed to the petitioner except the allegation that he had raised *lalkara*.

Learned State counsel, on instructions from ASI Jagram Singh, has not disputed the factual position that petitioner is in judicial custody since 19.03.2017 and only examination-in-chief of two of the prosecution witnesses have been recorded so far.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the custody period of the petitioner as well as the fact that he is an old man, aged about 65 years, and also in view of the fact that there is no serious allegation against the petitioner in the FIR and conclusion of the trial is likely to take some time; the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

January 07, 2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No