

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

**CRM-M No.27688 of 2019 (O&M)
Decided on: 12.12.2019**

Jatinder Singh @ Bholu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Navkiran Singh, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.243 dated 08.12.2018, for offence punishable under Sections 302, 34, 120-B of the Indian Penal Code, 1860 (in short 'IPC') and 25, 27 of the Arms Act registered at Police Station Kartarpur, District Jalandhar Rural.

Counsel for the petitioner has argued that as per the allegations in the FIR, on 07.12.2018, the complainant (father of the deceased) along with Lakhwinder Singh @ Lovely, who was friend of the deceased, were going towards the deceased's shop and they saw a person wearing turban was sitting on the motorcycle near the deceased's shop and when they reached near the shop then one more person, who was also wearing a turban came there, who had covered his face with handkerchief and was carrying a pistol in his right arm and thereafter,

he gave a fire-arm shot on the deceased, who later on died.

Counsel for the petitioner has further argued that later on, the statement of Maninder Singh, the complainant was recorded. It is also submitted that though in the FIR, the name of the petitioner – Jatinder Singh @ Bholu was mentioned in the FIR as a suspect, who was behind the murder of the deceased, however, no cogent evidence has come on record during the investigation.

Counsel for the petitioner has also argued that now the statement of the complainant/eye-witness PW-1 namely Surinder Kumar has been recorded and he has made the following statement:-

“....However, accused Jatiner @ Bholu, who is present in the Court, was neither present at the spot nor he had given any gunshot to Dimple. Jatinder Singh @ Bholu does not have any role in the murder of my son Dimple. We do not have any enmity with Jatinder Singh @ Bholu....”

Counsel for the State, on instructions from ASI Kulbir Singh, has not disputed the fact that as per the statement of PW1 – Surinder Kumar, the role of the petitioner is not there.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 25.12.2018 and it will take some time in conclusion of the trial, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any

other case or misusing the concession of bail, in any manner.

12.12.2019
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(ARVIND SINGH SANGWAN)
JUDGE

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