

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

226

**Criminal Misc. No.M-767 of 2019**

Date of decision : 09.07.2019

Sukhwinder Singh @ Shinda

... Petitioner

Versus

State of Punjab

.. Respondent

**CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL**

Present:- Mr. Gurpal Singh Sandhu, Advocate for the petitioner.

Mr. Dhruv Dayal, DAG, Punjab.

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**Anupinder Singh Grewal, J. (Oral)**

The petitioner is seeking regular bail in FIR No.230, dated 11.10.2018, under Sections 302, 120-B of the Indian Penal Code and Sections 25, 27 of the Arms Act (Section 473 IPC and Section 30 of the Arms Act added later on), registered at Police Station Dugri, District Ludhiana.

Learned counsel for the petitioner contends that the allegations against the petitioner are that he was not named in the FIR wherein it is alleged that that accused, namely, Gurwinder Singh @ Guri had killed Mandip Singh @ Monty by firing five revolver shots. It is also alleged that Gurwinder Singh @ Guri had killed the deceased at the behest of Balwinder Singh @ Tittu who had suspected the deceased having illicit affair with his wife. The petitioner was arrayed as accused during investigation as the bullets which were used in the commission of the crime allegedly belong to him. The petitioner is the maternal uncle of the main accused, namely, Balwinder Singh @ Tittu. He further states that the petitioner was arrayed as an accused after one month of the incident and he is not involved in any other case. There is no other *prima facie* evidence which would connect the petitioner with the commission of the offence. The petitioner is in custody for over six months.

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Learned State counsel, upon instructions from SI Chaman Singh, is not in a position to controvert the submissions of the learned counsel for the petitioner, however, contends that investigation has been completed and charges have been framed but no prosecution witness has been examined so far. He further states that the petitioner was arrayed as an accused on the statement of Gulshan Kumar, Driver of the Ola Taxi who had seen the petitioner with other co-accused after the commission of the offence and over heard their conversation with respect to the commission of the offence.

Heard.

In view of the submissions of the learned counsel for the petitioner especially when no overt act has been attributed to the petitioner, he is not involved in any other case and is in custody for over six months and the conclusion of the trial is likely to take sometime, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

**(ANUPINDER SINGH GREWAL)**  
**JUDGE**

**July 09, 2019**

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|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether Reportable        | : | Yes/No |