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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-674-2020
Date of Decision: 13.02.2020

Avtar Singh @ Tari

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

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

Mr. Avtar Singh Sandhu, Add. A.G., Punjab.

SUDIP AHLUWALIA, J. (ORAL)

[1]. This is a petition for regular bail under Section 439 Cr.P.C. on behalf of the petitioner in case FIR No.34, dated 28.02.2016, under Sections 364, 120-B and 34 of the Indian Penal Code (in short 'IPC') (Sections 302 & 201 of the IPC added later on vide DDR No.29 dated 29.02.2016), registered at Police Station Mantiana, District Hoshiarpur.

[2]. Contention of the petitioner is that he has remained in detention for a very long time now which is in excess of three years.

[3]. Further submission is that co-accused Jaswinder Singh @ Pinda has already granted bail by this Court earlier in CRM-M-11201-2019.

[4]. However, on perusal of the bail order (Annexure P-4), it transpires that there was a specific observation that the role of the said co-accused was to the extent of helping the petitioner in disposing of the dead body of his wife, which *prima facie* would indicate only an offence under Section 201 of the IPC, and which is bailable.

[5]. Ld. Counsel for the petitioner has also sought to draw attention of this Court to the discrepancies in the statements of certain private witnesses such as PW-1 and PW-2, which are on record as Annexures P-5 and P-6.

[6]. It may be observed that at this stage, this Court is not expected to go into the minute details of the statements given by the prosecution witnesses particularly, at a stage, when even evidence from the prosecution side of its private witnesses is still incomplete.

[7]. For the aforesaid reasons, this Court finds no grounds to release the petitioner on bail, at this stage, considering the gravity of the offence under Section 302 of the IPC and the fact that the petitioner was specifically named as accused No.1 in the FIR.

[8]. Dismissed.

13.02.2020

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No