

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

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CRM-M-28534-2022

Date of Decision : July 12, 2022

BALWANT SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. R.S.Cheema, Sr. Advocate assisted by
Mr. R.K.Trikha, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

JASGURPREET SINGH PURI. J. (Oral)

The present 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.205 dated 19.10.2021 under Sections 364, 302, 201, 34 IPC, registered at Police Station Urban Estate, Patiala.

It has been submitted by the learned Sr. counsel that the petitioner is an old man of the age of 84 years and suffering from old age related ailments. He submitted that the investigation of the case has already been completed by the police and thereafter the challan has been presented before the competent Court and after committal of the case, the charges have also been framed on 20.4.2022. He further submitted that as per the allegations contained in the FIR the son of the petitioner had committed the offence of murder of one lady and during the course of investigation it was found by the investigating agency that the body of the

deceased was buried in the house of the petitioner in the room occupied by the son and after about 6 days on the asking of the son of the petitioner the petitioner got the floor plastered where the body was buried with the help of one mason Jora Singh. Learned Sr. counsel submitted that the only role attributable to the petitioner even as per the prosecution story is not under Section 302 IPC but it is only under Section 201 IPC for destruction of evidence. He further submitted that since the petitioner is an old man aged 84 years, therefore, may be considered for the grant of regular bail in the light of aforesaid facts and circumstances. He submitted that the offence under Section 201 IPC is also bailable offence.

On the other hand, the learned State counsel on instructions has submitted that it is correct that the petitioner is an old man of 84 years and he submitted that it is also correct that he is in custody from 28.10.2021 and charges have been framed. He further submitted that it is also correct that the offence of murder is attributable to the son of the petitioner and so far as the role of the petitioner is concerned is only pertaining to only under Section 201 IPC which is a bailable offence. He has, however, opposed the grant of regular bail to the petitioner on the ground that the matter is serious in nature and the petitioner has acted in connivance with his son who had committed the murder.

I have heard the learned counsels for the parties.

The petitioner is an old person of the age of 84 years and is having old age medical problems as per the learned Sr. counsel for the petitioner. It is also the case of both the counsels for the parties that the offence under Section 302 IPC was attributable not to the

petitioner but only to his son and the only role attributable to the petitioner was that after few days he got plastered the floor where the body was buried. During the course of arguments, learned Sr. counsel has submitted that the petitioner has been falsely implicated and at the time of trial it is yet to be determined as to whether he had any knowledge with regard to the fact that the body was buried where he got the repair work done by way of plaster. The argument of learned Sr. counsel seems to carry some weight. Apart from the fact as per the learned counsel for the parties the only role attributable to the petitioner pertains to Section 201 IPC which is a bailable offence.

In view of the aforesaid facts and circumstances of the present case, this Court is of the view that the petitioner who is 84 years of age deserves the concession of regular bail.

Consequently, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

July 12, 2022
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No