

CRM-M-28541-2015

[1]

In the High Court of Punjab and Haryana at Chandigarh.

CRM-M-28541-2015

Date of Decision: 03.09.2015

Mukesh Kumar @ Mangi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Devinder Bir Singh, Advocate,
for the petitioner.

Mr. R.P.S. Sidhu, AAG, Punjab.

SABINA, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in FIR No.239 dated 06.11.2013, under Sections 302, 364, 201, 176 and 120-B of the Indian Penal Code, 1860, registered at Police Station Salem Tabri, District Ludhiana.

Learned counsel for the petitioner has submitted that FIR in the present case has been registered on the basis of secret information after 14 years of the alleged occurrence. The only evidence against the petitioner was that he had suffered an extra judicial confession before Rajan Bhargav. The said witness has been examined during trial and in his

CRM-M-28541-2015

[2]

cross-examination, he had admitted that he had appeared as a witness in many other criminal cases. As per the report, Annexure P-3 qua the remains of Sucha Singh (deceased), the expert had opined that no identifiable human remains could be found in the contents of jar.

Learned State counsel, on the other hand, has opposed the petition and has submitted that petitioner and his co-accused had committed the murder of Sucha Singh. Mohinder Kaur had lodged a report that her brother was missing. In fact Mohinder Kaur was to repay ₹7,00,000/8,00,000/- to her brother Sucha Singh. Due to this reason Mohinder Kaur in conspiracy with her daughter and her servants (including the petitioner) had committed the murder of Sucha Singh.

In the present case, FIR in question was registered after 14 years of the alleged occurrence. So far as the petitioner is concerned, he has allegedly suffered extra judicial confession before PW-1 on 06.11.2013. The said witness had already been examined. Annexure P-3 is the report of the Forensic Medicine Department. A perusal of the same reveals that no identifiable human remains could be found in the contents of the jar allegedly containing remains of Sucha Singh. Petitioner is in custody since 06.11.2013.

Keeping in view the above facts, it would be just and

CRM-M-28541-2015

[3]

expedient to order the release of the petitioner on bail.

Accordingly, without expressing any opinion on the merits of the case, this petition is allowed. Petitioner be admitted to bail subject to the satisfaction of Chief Judicial Magistrate, Ludhiana.

September 03, 2015
kapil

(SABINA)
JUDGE