

In the High Court of Punjab and Haryana at Chandigarh

Crl. Misc. No. M-32761 of 2015
Date of Decision: 29.9.2015.

Jaswinder Singh alias Sabi

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. B.D.Sharma, Advocate
for the petitioner.

Mr. A.S.Sidhu, AAG, Punjab

SABINA, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 ('Cr.P.C.' for short) seeking regular bail in FIR No. 128 dated 5.12.2013 under Section 302, 34 of the Indian Penal Code, 1860, registered at Police Station Sadar, Kapurthala.

Prosecution story, in brief, is that on 20.11.2013, Charanjit Singh had told his mother that he was going to meet the petitioner at Kala Sanghian. Charanjit Singh left the house at 7.00 P.M. on his motorcycle. However, son of the complainant did not return home. Dead body of Charanjit Singh was recovered on the next day.

Learned counsel for the petitioner has submitted that initially statement of the complainant was recorded under Section 174 Cr.P.C. wherein she had stated that her son had told her that he was going for his work to Kala Sanghian on 20.11.2013 at 7.00 P.M. However, her son had not returned home and on the next day, the dead body of her son was recovered and the motor cycle

was lying on the dead body. As per the post-mortem report, cause of death was due to poisoning. Petitioner was arrested on 14.8.2014 on account of an extra judicial confession suffered by him before Jaswant Singh. Jaswant Singh PW was none other than the maternal uncle of the deceased. There was no occasion for the petitioner to have suffered an extra judicial confession before the relative of the deceased.

Learned State counsel, on the other hand, has opposed the petition and has submitted that the petitioner and his co-accused had, in fact, committed the murder of Charanjit Singh by administering poison to him.

In the present case, petitioner is in custody since 14.8.2014. The occurrence had allegedly taken place in the night intervening 20.11.2013/21.11.2013. Petitioner was, however, arrested on 14.8.2014 on the basis of extra judicial confession suffered by him before the maternal uncle of the deceased. Initially complainant had stated that her son had gone to Kala Sanghian for some work whereas later while lodging the FIR she took up the stand that her son had told her that he was going to meet the petitioner. Keeping in view the above facts and without expressing any opinion on the merits of the case, it would be just and expedient to order the release of the petitioner on bail.

Accordingly, this petition is allowed. Petitioner be admitted to bail subject to the satisfaction of Chief Judicial Magistrate, Kapurthala.

**(SABINA)
JUDGE**

September 29, 2015
Gurpreet