

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

249

CRM-M No.3583 of 2014

Date of Decision:02.02.2015

Kuldeep Singh @ Pappy

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR.

Present: Mr.G.S.Kaura, Advocate,
for the petitioner.

Mr.R.P.S. Sidhu, Assistant Advocate General,
Punjab, for the respondent-State.

MEHINDER SINGH SULLAR, J.(oral)

The petitioner has preferred the instant petition for the grant of concession of regular bail, in a case registered against him along with his other co-accused, namely, Satnam Singh and others, vide FIR No.9 dated 16.01.2013, on accusation of having committed the offences punishable under Sections 302, 120-B and 34 IPC, by the police of Police Station Sadar Raikot, District Ludhiana.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable help and considering the entire matter deeply, to my mind, the present petition for regular bail deserves to be accepted in this context.

4. Precisely, the prosecution, *inter alia*, claimed that on 15.01.2013, some unknown persons have taken away Jugraj Singh son of

complainant-Sunder Singh and murdered him in the fields. It is a case of blind murder. On instructions from ASI Amarjeet Singh, the investigating officer, learned State Counsel has fairly acknowledged that there is no direct or indirect evidence available on record against the petitioner, except his extra-judicial confession before PWs Hakam Singh @ Kaka Singh and Piara Singh. It is not a matter of dispute that PW Hakam Singh had already expired, whereas Piara Singh son of Gurmail Singh, while appearing in the court as PW6, did not support the prosecution case. Instead of supporting, he has demolished the prosecution version in its entirety. In that eventuality, what is the evidentiary value, admissibility and acceptability of such unsubstantiated extra-judicial confession and the statement of hostile witness PW6 Piara Singh, *inter alia*, would be a moot point to be decided after receipt of evidence of the parties during the course of trial by the trial Court.

5. Be that as it may, the petitioner was arrested in this case on 25.01.2013. Since then he is in judicial custody and no useful purpose would be served to further detain him in jail. There is no history of his previous involvement in any other criminal case. The conclusion of trial will naturally take a long time.

6. In the light of aforesaid reasons, taking into consideration the peculiar facts & the special circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial of the main case, the instant petition for regular bail is hereby accepted. The petitioner is ordered to be released on bail on his

furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court.

Needless to mention that, nothing observed here-in-above, would reflect, on merits in the trial of the main case, in any manner, as the same has been so recorded for a limited purpose of deciding the present petition for regular bail.

February 02, 2015
seema

(**MEHINDER SINGH SULLAR**)
JUDGE