

**Sr. No. 223
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No. M- 10252 of 2016 (O&M)

Date of Decision: 04.04.2016

Tarsem Singh alias Sonu

..Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Ashok Aneja, Advocate,
for the petitioner.

Mr. D.S.Virk, AAG, Punjab.

TEJINDER SINGH DHINDSA. J (ORAL)

Petitioner seeks benefit of regular bail pending trial in case FIR No.26 dated 16.02.2014, under Section 302 IPC, registered at Police Station Bhikhiwind, Tehsil Patti, District Tarn Taran.

FIR was registered on the statement of Hira Singh son of Hardeep Singh who stated that the complainant along with other proprietors had taken up the contract of Ganpati Filling Station from Indian Oil Company and had appointed Amarjit Singh as a Salesman on the petrol pump. On 16.02.2014, a phone call is stated to have been received by the complainant from Namberdar, Sukhdev Singh resident of Village Bhur Chand that the dead body of the Salesman is lying in the generator room. Complainant stated that Amarjit Singh had been murdered by certain unknown persons by inflicting injuries on his neck with a sharp edged weapon.

It is a blind FIR and against unknown persons. As per prosecution version, the present petitioner is sought to be implicated

on the statement of one Kishan Pal who stated that the present petitioner had suffered a confessional statement before him that he along with three other associates, namely, Davinder Singh, Harjit Singh and Satnam Singh were in the habit of consuming drugs and in the month of February, 2014, all four of them together had killed Amarjit Singh. Prosecution is also stated to have recorded a statement of one Sukhpal Singh who had stated that on 16.02.2014, he had gone to the Service Station for refueling his car and thereupon he has seen the present petitioner and three other accused, Davinder Singh, Harjit Singh and Satnam Singh to be present.

It is a case of circumstantial evidence. Petitioner has been in custody since 26.04.2015.

Apart from the alleged confessional statement of the petitioner himself, there is no other material evidence adverted to link the present petitioner with the death of Amarjit Singh.

Counsel appearing for the petitioner has also contended that Kishan Pal is not even known to the present petitioner and is not even the resident of the same village.

Under such circumstances, the false implication of the present petitioner cannot be ruled out.

In view of the above and coupled with the length of incarceration already suffered by the petitioner, he is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Tarn

Taran.

It is clarified that the observations contained in this order are confined only as regards considering the prayer of the petitioner for grant of bail and would have no bearing on the merits of the case.

Disposed of.

04.04.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**