

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

**CRM-M No.20383 of 2015 (O&M)
Date of Decision: 15.01.2016**

Karnail Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mz. Ishma Randhawa, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
for the respondent/State assisted by S. I. Harjeet Singh.

Mr. Gautam Dutt, Advocate for the complainant.

JASWANT SINGH, J. (Oral)

Present 2nd petition is for grant of regular bail under Section 439 Cr.P.C. to the petitioner/accused in case FIR No.106 dated 20.05.2014, under Sections 302, 201, 511 and 427 of the Indian Penal Code, registered with Police Station Jandiala Guru, District Amritsar.

As per the prosecution case, Harinder Singh@ Tinu, aged 28 years, left his home on 15.05.2014 and his dead body was found on 20.05.2014.

The complainant-Tarsem Singh is the father of the deceased-Harinder Singh and was working as Inspector in the Chandigarh Police.

Since there was a CCTV footage at a Toll Plaza showing the petitioner/accused-Karnail Singh driving the vehicle along with deceased-Harinder Singh on 19.05.2014 at 4:30 AM in the morning, coupled with the statement of the owner of the vehicle, the petitioner was arrested on account of the evidence of "last seen".

There are allegations made by the petitioner of extreme torture by the police due to the fact that the complainant was a Member of the police force leading to the suspension of the team of Investigating Officers on account of a report of Warrant Officer appointed by this Court. A private complaint against the said officials by the petitioner/accused is admittedly pending for trial.

Learned Counsel for the petitioner submits that the entire case of the prosecution is based on circumstantial evidence and except the "last seen" evidence, there is no other evidence completing the chain of events pointing towards the petitioner. Even the Doctor concerned has given the opinion that the cause of death cannot be ascertained even after the report of the Chemical Examiner, which reveals that there was no poisonous substance. There are no signs of injuries as well. It is further submitted that in fact in the disclosure statement, it is given out that the deceased was a drug addict and had died due to overdose of drugs.

The petitioner is stated to be in custody since 04.08.2014 and only 06 out of 16 prosecution witnesses including the material witnesses of "last seen" have since been examined. He is not involved in any other criminal case.

Learned State Counsel, assisted by S.I. Harjeet Singh, is unable to refute the aforesaid factual submissions.

Without commenting on the merits of the case, keeping in view the custody period and the facts as noticed above, this Court finds that petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate concerned.

Disposed of.

January 15, 2016
Gagan

(JASWANT SINGH)
JUDGE