

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

(219)

CRM-M-22504-2016 (O&M)

Decided on: October 18, 2016.

Gurcharan Singh

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Gurnam Singh, Advocate, for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

M.M.S. BEDI, J (ORAL)

Petitioner seeks concession of regular bail in FIR No.408 which was registered sixteen years ago i.e. on 20.11.2000, under Sections 302, 34 IPC on the basis of a telephonic information received by the police to the effect that some unknown persons had murdered one Sanjay Kumar.

Cancellation report had been submitted before the Illaqa Magistrate, Rajpura which stood accepted on 13.03.2004 by the Presiding Officer of the Lok Adalat of Rajpura. The petitioner is not named in the FIR. The petitioner has been involved in the case on the basis of his disclosure statement regarding his involvement in the murder of Sanjay Kumar while he was arrested in FIR No.150 dated 15.10.2015 under Section 399, 402 IPC.

Police file, brought by ASI Rakesh Kumar, reflects that the petitioner has been involved in the case on the basis of his confessional/disclosure statement made in police custody. His co-accused Gagan and Baljinder Singh have also been involved in the case of the year 2000 on the basis of their confessional statement.

The petitioner has been in custody w.e.f. 04.10.2015. Five prosecution witnesses have already been examined.

Perusal of the file indicates that the petitioner has been involved in the case on the basis of his confession made in police custody on 17.10.2015 before ASI Joginder Singh. The said confession appears to have been made in ten other criminal cases.

In view of above said circumstances, the culpability of the petitioner on the basis of confessional statement made in police custody will certainly be a debatable issue.

In view of said circumstances, the petitioner can be granted the concession of bail.

The petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court. He will be released on bail in this case, in case he is not required to be kept in custody in any other case.

(M.M.S. BEDI)
JUDGE

October 18, 2016
harsha

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No