

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

(205)

CRM-M-32834-2015

Decided on: February 03, 2016.

Hakam Singh and another

.... Petitioners

Versus

State of Punjab

..... Respondent

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

Present: Mr. K.S. Brar, Advocate, for the petitioners.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

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

Petitioners are real brothers of Harnek Singh. They are being tried on the allegations that they had inflicted injuries on the person of deceased Harnek Singh and set his body on fire by pouring kerosene oil. It is a case of based upon on the circumstantial evidence. The petitioners have been involved in the case on the basis of extra judicial confession made by them before Sarpanch Teja Singh and the evidence of motive that the petitioners had an apprehension that Harnek Singh who had mortgaged some land in favour of his uncle, would sell the same to the mortgagee. The petitioners have been connected with the crime on the basis of recovery of a 'kahi' as per provisions of Section 27 of the Indian Evidence Act.

Teja Singh has been examined and not supported the case of prosecution. The prosecution case is based upon circumstantial evidence which includes medical evidence also which is indicative of deceased having died on account of injuries received by him on his head.

It will not be appropriate for this Court to determine the culpability of the petitioner at this stage on the basis of circumstantial evidence gathered during course of investigation. The fact that the petitioners have been in custody w.e.f. 18.06.2014 is certainly a matter of concern.

In the interest of justice, this petition is disposed of with a direction to the trial Court to make earnest endeavour to conclude the entire prosecution evidence within a period of five months from the next date of hearing. In case, the entire prosecution evidence is not produced within a period of five months after the next date of hearing, it will be open to the trial Court to grant concession of bail to the petitioners taking into consideration the prima facie material in the shape of circumstantial evidence produced before the Court.

(M.M.S. BEDI)
JUDGE

February 03, 2016
harsha