

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

(212)

CRM-M-33839-2015

Decided on: April 29, 2016.

Resham Singh

.... Petitioner

Versus

State of Punjab

..... Respondent

(2)

CRM-M-33867-2015

Decided on: April 29, 2016.

Rajesh Joshi

.... Petitioner

Versus

State of Punjab

..... Respondent

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

Present: Mr. S.S. Rangi, Advocate,
for the petitioner in both the cases.

Ms. Harpreet Kaur Athwal, DAG, Punjab.

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

This order will dispose of two applications for grant of bail, one (CRM-M-33839-2015) filed by Resham Singh and the other (CRM-M-33867-2015) filed by Rajesh Joshi in FIR No. 42 dated 30.05.2013 which was originally registered under Section 304-A IPC on account of Jagir Singh having been crushed under the vehicle.

The incident is of 29.05.2013 but the FIR was registered under Section 302 IPC against the petitioners after petitioners Resham Singh and Rajesh Joshi were arrested in another FIR No.10 dated 18.01.2014 on the allegations of having murdered Sushil Joshi and Mohinder Singh. The petitioners are facing trial in FIR No.10 dated 18.01.2014 under Section 302 IPC at Jalandhar. In order to connect the petitioners with the murder of Jagir Singh, statement of Kartar Singh had been recorded by the police to the effect that he had over heard the petitioners in a hotel stating that they had engaged a contract killer Mohinder Singh for eliminating Jagir Singh and that Mohinder Singh, thereafter, was threatening them to pay the remaining amount of promised money of Rs. 5 lacs after having murdered Jagir Singh. The petitioners also made confessional statement while in custody in another FIR No.10 dated 18.01.2014 registered at Jalandhar to the effect that they had hired the services of Mohinder Singh for elimination of Jagir Singh in order to obtain insurance claim of Jagir Singh wherein Resham Singh was nominee.

The petitioners have been in custody w.e.f. 27.07.2014. The star witness of the prosecution Kartar Singh has appeared as PW-1 and resiled from his statement by appearing before the Sessions Court on 06.01.2015. The connecting link being Kartar Singh having not supported the case of prosecution, it becomes debatable whether on the basis of confessional statement of petitioner Resham Singh made in custody, the petitioners could be convicted on the basis of other circumstantial evidence.

Without expression of any opinion regarding the culpability of the petitioners regarding murder of Jagir Singh or Sushil Joshi and Mohinder Singh, they can be granted concession of bail in FIR No. 42 date 30.05.2013 registered at Police Station Kanwan, District Pathankot, irrespective of their alleged culpability in the connected case at Jalandhar.

Both the petitions are allowed. Petitioners are ordered to be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of the trial Court. They will be released in case they are not wanted in any other case.

Nothing said in this order will effect the merits of the case at the time of final adjudication.

(M.M.S. BEDI)
JUDGE

April 29, 2016
harsha