

CRM-M-38295-2015 (O&M)

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

**CRM-M-38295-2015 (O&M).
Decided on: January 6, 2016.**

Sukhjinder Singh @ Sukha

..... Petitioner(s)

Versus

State of Punjab

..... Respondent(s)

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

**PRESENT Mr.Inderjit Sharma, Advocate,
for the petitioner.**

Mr.Arshdeep S.Kler, DAG., Punjab.

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

Petitioner seeks concession of regular bail in a case registered at the instance of Gurdeep Singh alleging that his son Jaspal Sngh had allegedly been murdered by the petitioner along with three other persons.

The allegation against the petitioner and Kala Singh non- petitioner is that the son of the complainant had gone with the petitioner and Kala Singh. They had again returned to the house of the complainant at about 12:00 PM/1:00 AM, accompanied by two unidentified persons in a white colour Car, they had again left along with son of the complainant but had brought back Jaspal Singh at 3:00 PM in unconscious condition. The petitioner having been

CRM-M-38295-2015 (O&M)

questioned by the wife of the complainant was not able to give satisfactory reply regarding the unconscious condition of Jaspal Singh.

Counsel for the petitioner has submitted that while recording statements under Section 174 Cr.P.C., no allegations were raised against the petitioner and that the petitioner has been in custody w.e.f. 11.3.2014.

State counsel, on asking of the Court informs that out of 23 witnesses cited by the prosecution, only 9 witnesses have been examined. The nature of the evidence gathered by the prosecution agency against the petitioner is the circumstance of he having been last seen with the deceased coupled with the medical evidence that he died of consuming organo phosphate.

No opinion can be expressed, at this stage, regarding the strength of the circumstantial evidence available against the petitioner. Striking a balance between right of prosecution and liberty of the petitioner and taking into consideration the period of detention suffered by the petitioner; the material witnesses having been examined; and avoiding appreciation of evidence, at this stage, lest it should prejudice the rights of the prosecution agency or the petitioner, this petition is disposed of with a direction that the trial Court shall make earnest endeavour to conclude the trial within a period of six months after the next date of hearing fixed before the trial Court. In case the trial is not concluded by said date, it will be

CRM-M-38295-2015 (O&M)

open to the petitioner to approach this Court for bail on expiry of said period.

January 6, 2016.
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(M.M.S. BEDI)
JUDGE