

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-518 of 2016

Date of Decision: May 25, 2016

Jaspal Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

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

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Present:- Mr. J.S. Gill, Advocate
for the petitioner.

Ms.Simsi Dhir Malhotra, DAG, Punjab.

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M.M.S. BEDI, J.

Petitioner has been in custody w.e.f. August 20, 2014 in a case registered at the instance of Sarwan Singh alleging that the petitioner along with Jagroop Lal, Raju and Lovepreet had committed murder of his son Daljit Singh while he was working in the fields.

As per the story of complainant, the occurrence was witnessed by complainant Sarwan Singh and his cousin brother Lakhbir Singh. The co-accused of the petitioner Rajwinder Singh and Lovepreet Singh have

been granted the concession of bail by a Coordinate Bench of this Court on August 18, 2015.

As per the statement of Sarwan Singh, complainant, he had taken 10 acres of land on lease from the petitioner at the rate of Rs.28000/- per acre and his son had paid a sum of Rs.1.40 lacs in advance. The balance amount was demanded by the petitioner but on account of Daljit Singh having not paid the same, the petitioner and Jagroop Singh had started threatening Daljit Singh as a sum of Rs.1.40 lacs had been paid to the petitioner by Daljit Singh by getting the same from Jagroop Singh. As per the version of the prosecution, Sarwan Singh and Lakhvir Singh had gone to search Daljit Singh when he did not return from the fields of Jaspal Singh-Petitioner. On reaching the fields, they had seen the petitioner along with Jagroop Singh beating Daljit Singh.

Counsel for the petitioner has submitted that the petitioner does not have any motive to kill Daljit Singh. The petitioner has got litigation regarding the property with his family members including Mulla Singh and the uncles of petitioner. The petitioner claims that he remained Sarpanch of Village Khurshiadpur during the Congress regime and has been Block President of Congress but his uncle and Mulla Singh have got alliance with the ruling party in Punjab and has been involved in the case on the instigation of Mulla Singh and his uncles by using PWs Sarwan Singh and Lakhbir Singh. Counsel for the petitioner has vehemently urged that there is an overwhelming medical evidence available on the record indicating that

Daljit Singh had received injuries on his skull, spine, chest, high, knee and legs and was taken to the hospital on August 19, 2014 by Rajwinder Singh @ Raju with the help of petitioner. Finding Daljit Singh in injured condition on the road in the morning on August 19, 2014, he was taken to the Civil Hospital, Nakodar and was later on referred to Civil Hospital, Jalandhar where he died on the intervening night of 19th/ 20th August, 2014. The uncles of the petitioner and Mulla Singh on coming to know about the incident had concocted a false story to settle their personal scores. The medical record regarding the injuries on the person of Daljit Singh and treatment given before his death has been referred to by counsel for the petitioner to submit that the story put-forth by the complainant that deceased was kept in the Dera of Sarwan Singh and that he had died at the house are absolutely contradictory documents available on the record.

I have heard learned counsel for the petitioner, State counsel and carefully gone through the statements of Sarwan Singh and Lakhbir Singh. They have already been cross-examined at length. Chances of tampering with the evidence are absolutely remote. It will not be appropriate to express any opinion regarding the testimony of the said witnesses or the medical evidence produced on the record lest it should prejudice the rights of the petitioner or the prosecution agency. Suffice it to say that the period of detention suffered by the petitioner and the material witnesses having already been examined; the culpability of the petitioner being subject to the appreciation of evidence; chances of tampering with the

evidence are remote; and similarly circumstanced co-accused of the petitioner having been granted the concession regular bail, on the principle of parity, the petitioner can also be granted the same relief.

In view of the above, 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 subject to the condition that the petitioner will not leave India without the permission of the Court and will not make any attempt to delay the proceedings. Nothing said in this order will be considered to be an expression of opinion on merits of this case.

May 25, 2016
sanjay

(M.M.S.BEDI)
JUDGE