

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

CRM-M-7609-2016

Date of Decision : 16.11.2016

Sandeep Singh

.....Petitioner

versus

State of Punjab

.....Respondent

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

Present: Mr. Hitesh Verma, Advocate,
for the petitioner.

Mr. Jashanpreet Singh, AAG, Punjab.

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

The petitioner has been in custody w.e.f. 17.11.2015, in a case of murder of Ekam Singh. FIR in the present case was registered at the instance of the complainant, namely Jaswinder Singh, on the allegations that on 13.11.2015, the complainant along with his uncle, Ekam Singh, while going on foot to their fields were intercepted by the petitioner and his co-accused, namely Jashandeep Singh, armed with *kirch* and handle of spade. Ekam Singh was attacked by the petitioner and his co-accused. Gurtej Singh came to the rescue of Ekam Singh. The petitioner allegedly embraced Ekam Singh and thrown him on the ground. He is also attributed the role of having given three simple injuries on the person of Gurtej Singh, PW.

Learned counsel for the petitioner submits that Gurtej Singh

has already been examined and he has turned hostile. So far as co-accused of the petitioner is concerned, he being a juvenile is facing trial before the Juvenile Justice Board.

On asking of the Court, learned State counsel informs that out of sixteen prosecution witnesses, six prosecution witnesses have already been examined.

It has been contended by learned State counsel that the petitioner accompanied his co-accused, Jashandeep Singh, and had allegedly taken *kirch* from said Jashandeep Singh to inflict injuries on the back of Gurtej Singh.

The petitioner's act of accompanying his co-accused and having actively participated in the occurrence by throwing Ekam Singh (deceased) on the ground, certainly make it debatable whether the petitioner can be said to have shared common intention with his co-accused to make him liable for the similar treatment with his co-accused.

The incident of Gurtej Singh, PW, having turned hostile is indicative of the fact that the chances of tampering with the evidence and direct or indirect inducement and threat to all the prosecution witnesses cannot be ruled out.

No ground is made out to grant concession of bail to the petitioner, however, taking into consideration the period of detention suffered by the petitioner, it is directed that the trial Court shall record the statements of all the remaining prosecution witnesses within a period of 4-5 months and conclude the trial within a period of six months.

If, for any reasons, the trial is not concluded within a period of six months, the trial Court will release the petitioner on bail on his furnishing bail bonds/surety bonds to its satisfaction.

(M.M.S. BEDI)
JUDGE

November 16, 2016
apurva

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No