

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

CRM-M-17618 of 2017

Date of decision: 27.07.2017

Gurjit Singh

... Petitioner

vs.

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

* * *

Present : Mr. Gurbhajaneek Singh Samra, Advocate
for the petitioner.

Mr. Randeep Singh Khaira, AAG, Punjab.

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ARVIND SINGH SANGWAN, J.(ORAL)

Through the present petition filed under Section 439 Cr. P. C., the petitioner seeks regular bail in FIR No.45, dated 28.06.2015, registered under Sections 302, 201/ 34 IPC at Police Station Budhlada, District Mansa.

Learned counsel for the petitioner submits that as per the allegations in the FIR, it is alleged that Darshan Singh, brother of the complainant was living with the mother of the petitioner namely Balwinder Kaur and on 10.06.2015, he had gone missing.

Counsel for the petitioner submits that the police during the investigation arrested the petitioner along with Gurpreet Singh @ Sonu and his mother Balwinder Kaur.

He further submits that the petitioner was arrested on 24.07.2015 and has already undergone custody of 2 years 2 days.

Learned State counsel on instructions from ASI Gamdoor Singh, would not dispute the custody part of the petitioner.

Counsel for the petitioner has further submitted that co-accused

Gurpreet Singh @ Sonu has been granted the concession of regular bail vide order dated 22.09.2016. The operative part of the order reads as under:-

“The petitioner has filed the present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.45 dated 28.06.2015 registered under Sections 302, 201 & 34 IPC at Police Station City Budhlada, District Mansa.

Heard learned counsel for the rival parties.

The petitioner was arrested in this case on 27.07.2015 and since then he is in jail.

I have perused the interim order so also the FIR with the assistance of counsel for the rival parties.

It is not in dispute as also stated by learned State counsel that corpus delicti is still not traced out. In that view of the matter, the evidence i.e. pointed out by learned counsel for the State is that upon disclosure statement made by the petitioner the cloths of the deceased were found near the canal as body must have been thrown in the canal but the body could not be found. There is no other evidence against the petitioner but there is an extra judicial confession.

Learned counsel for the petitioner submits that the person, to whom extra judicial confession is said to have been given, turned hostile before the court.

In view of the above, the petitioner is entitled to the bail. Accordingly the bail petition is allowed.

Bail to the satisfaction of the concerned trial Court/CJM”.

Counsel for the petitioner has further submitted that some evidence of the prosecution has already been recorded and the complainant Jeet Singh brother of Darshan Singh has not supported the prosecution version.

Keeping in view the period of custody, the petitioner has already undergone and in view of the fact that PW-5 Jeet Singh-complainant himself has not supported the prosecution version, and in view of the afore quoted order, without commenting on merits of the case, I am of the

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considered opinion that the petitioner also deserves to be admitted to regular bail.

Bail to the satisfaction of the trial Court/Duty Magistrate,
Mansa.

**(ARVIND SINGH SANGWAN)
JUDGE**

July 27, 2017
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<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>