

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 22710 of 2016 (O&M)

Date of decision : 3.11.2017

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Sukhdev Singh

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Ms. Supriya Garg, Advocate for the petitioner

Ms. Samina Dhir, Deputy Advocate General,
Punjab.

Mr. H.S. Brar, Advocate for the witness.

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H. S. Madaan, J.

CRM-34504 of 2017

This is an application for placing on record documents
Annexures A-1 and A-2.

The application is allowed. Documents Annexures A-1 and
A-2 are taken on record subject to all just exceptions.

CRM-M No. 22710 of 2016

This petition for regular bail has been filed by Sukhdev

Singh, an accused in FIR No. 111 dated 23.7.2005, for offences under Sections 302, 148, 149 IPC, registered with Police Station Dakha, District Ludhiana.

Briefly stated, the facts of the case are that FIR in this case was registered on the basis of written complaint submitted by Avtar Singh s/o Niranjana Singh r/o village Chak Kalan Police Station Dakha, addressed to Deputy Superintendent of Police, Dakha, Police District Jagraon, which was received in the office on 23.7.2005. In the said complaint, it was contended that on 10.7.2005, while complainant was present at his house alongwith his family, then at about 8.00 P.M. Jagdeep Singh @ Deepa s/o Sukhdev Singh resident of same village came to their house and took his son Amarjit Singh, as they were to go together for some work. Thereafter Amarjit Singh did not return home till night, although they waited for him. On 11.7.2005, in the morning, Gurpreet Singh s/o Harneek Singh told the complainant that he had seen Amarjit Singh alongwith Sukhdev Singh, Jagdev Singh s/o Ajit Singh, Jagdev Singh s/o Sukhdev Singh and two unknown persons near his fields on 10.7.2005 at about 9.00 P.M. Then the complainant alongwith his son Gurwinder Singh and other neighbours went in search of Amarjit Singh and he came to know that body of Amarjit Singh was lying in the well of the leased land of Mahanta Wali. They accordingly rushed there. Body of Amarjit Singh was taken out of the well. The dead body was having several injury marks. The head cover and shoes of Amarjit Singh were lying at a distance from where it could be inferred that body of Amarjit Singh had been thrown in the well after being murdered; that

some time earlier Sukhdev Singh s/o Ajit Singh wanted to kill the complainant by running over him with his car and he had insulted him by beating him up and pulling his beard. In that regard he had lodged a complaint at Police Station Dakha, but no action was taken. Amarjit Singh had been threatening Sukhdev Singh and his brother Jagdeep Singh that he would take revenge for the insult of his father. For that reason, Sukhdev Singh and Jagdev Singh alongwith their accomplices had murdered Amarjit Singh and thrown his dead body in the well in their fields. Inter alia in the complaint, it was contended that complainant was informed by Rupinder Singh @ Soni s/o Avtar Singh that while he was coming on his tractor from Hambra to his village on 10.7.2005, at about 12.00 – 1.00 A.M. at night, he had seen Sukhdev Singh, Jagdev Singh son of Ajit Singh, Jagdeep Singh s/o Sukhdev Singh alongwith two unknown persons near the cremation ground coming on road from the field of Mahanta Wali Motor.

Formal FIR was accordingly, registered and the case was investigated. 18 injuries had been observed in the post mortem report of the deceased and as per medical opinion, such injuries could not have been suffered by falling into a well fitted with an electric motor. The accused was arrested on 2.6.2016, after about 11 years of the registration of the FIR.

Two of the similarly situated co-accused are stated to have been granted pre-arrest bail by this Court. This is a case based upon circumstantial evidence. PW Parminder Singh who had expressed apprehension of being pressurized by such accused, has already been

examined. After registration of the case, three enquiries in the matter are stated to have been conducted by the police, but it was found that there was no evidence against the petitioner. The petitioner was interrogated by the police but without any fruitful result. It is further contended that cancellation report was filed by the police twice, stating that the accused was innocent, since brother of deceased had made a statement that deceased had died due to falling in the well. Complainant Avtar Singh is stated to have expired and mother of deceased, as well as, brother of deceased, namely Gurwinder Singh are stated to have furnished affidavits that Amarjit Singh had died as a result of accidentally falling in the well having electric motor. The petitioner is taking the plea of alibi also, stating that in the enquiries conducted by the police, it was found that petitioner was in fact attending a wedding at the time of occurrence and he was not present in the village. He had gone to Rhythm Resorts Mandi Mullanpur, for attending marriage of Manpreet Singh r/o village Kailpur, which fact is statedly corroborated from the video recordings and photographs of the marriage.

Under these circumstances, I find that the petition deserves to be allowed.

The petition for regular bail is accordingly, accepted. The petitioner is ordered to be released on bail subject to his furnishing personal and surety bonds to the satisfaction of the trial Court, who may impose any term and condition found proper and suitable to ensure that he may not abscond and tamper with prosecution evidence.

The petitioner shall give an undertaking to appear in the court on each and every date of hearing; the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and the petitioner shall not leave India without the prior permission of the Court and shall surrender his passport, if any.

It is made clear that in case he is found indulging in the violation of terms and conditions of bail, or any criminal act, this order shall be liable to be withdrawn.

(H.S. Madaan)
Judge

3.11.2017

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Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No