

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

CRM-M-4101-2017 (O&M)

Date of Decision : March 18, 2017

DEEP RAJ SINGH

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

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

Present: Mr. Vikram Chaudhary, Senior Advocate with
Ms. Isha Goyal, Advocate
for the petitioner.

Ms. Anu Pal, Asstt. A.G., Punjab.

Mr. S.P.S. Sidhu, Advocate for the complainant.

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

This order will dispose of second application for regular bail filed by petitioner, first having been dismissed on 24.08.2015 by observing as follows:-

“So far as petitioner Deep Raj Singh is concerned, his tractor agency has been permitted to be used by the police. No doubt, PW Sukhjinder Singh has established that petitioner has got close connections with Inspector Narang Singh and on account of said relationship, the evidence on behalf of the prosecution agency is being produced to establish whether the act of the petitioner will fall within the definition of criminal conspiracy. Whether the evidence of conspiracy would fall under the definition of Section

10 of the Evidence Act; and whether the agreement of the petitioner to permit an illegal act by the main accused resulting in the murder of deceased warrants conviction, cannot be seen on appreciation of evidence at this stage as it will be premature to assess at this stage whether the act of the petitioner tentamounts to 'aiding' the illegal act but on account of the evidence that the petitioner has close relation with the main accused, chances of tampering with the evidence cannot be ruled out. The petitioner Deep Raj Singh, at this stage is not entitled to concession of bail.”

Counsel for the petitioner has submitted that the circumstances have changed. He has also made a reference to the evidence which has been produced by the prosecution to determine the culpability of the petitioner.

A miscellaneous application has been filed to place on record the copy of statement of the petitioner under Section 313 Cr.P.C., Annexure P-10, in support of the contention that prima facie the petitioner is not established to be present on the spot. The miscellaneous application is allowed and the document is taken on record.

Counsel for the complainant as well as State counsel have vehemently opposed the application of bail, containing that appreciation of evidence at this stage, might prejudice the fair adjudication by the trial Court.

I have heard counsel for the petitioner, counsel for the complainant and State and have also gone through the nature of the quality and quantity of the evidence produced against the petitioner. The

material witness against the petitioner, Sukhjinder Singh, has not supported the case of prosecution. The culpability of the petitioner, no doubt, is yet to be determined but taking into consideration the fact that the petitioner has been in custody w.e.f. 22.05.2014, chances of tampering with the evidence at this stage being remote, without expression of any opinion on merits, he can be granted the concession of bail in the present second application for bail on the basis of the above said changed circumstances.

Petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of trial Court.

It is observed here that nothing mentioned in the order shall be deemed to be the expression of opinion on merits of the case. The trial Court shall adjudicate the culpability of the petitioner strictly on the basis of the material available on the record.

(M.M.S. BEDI)
JUDGE

March 18, 2017

Rajneesh

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No