

CRM-M-15629-2018 (O&M)

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

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**CRM-M-15629-2018.
Decided on: April 27, 2018.**

Jagtar Singh @ Kanshi

.. Petitioner

VERSUS

State of Punjab

.. Respondents

*** * ***

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

*** * ***

**PRESENT Mr.Dhiraj Chawla, Advocate,
for the petitioner.**

Ms.Manjri Nehru Kaul, Addl. A.G. Punjab.

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

This is the second application filed by the petitioner for the grant of regular bail during pendency of the criminal case which is registered against the police officials on account of they having caused the death of a convict Bikramjit Singh who was dealing in supply of drugs. He was to be arrested by ASI Gulshanbir Singh while delivering consignment. However, Bikramjit Singh had sprinkled the heroin which annoyed ASI Gulshanbir Singh as a result of which he was picked up and tortured in the premises of Guru Nanak Tractor Agency owned by Deep Raj Singh. The deceased was tortured at the above said place by the police officials.

The petitioner who is not a police officer has been involved in the case on the basis of disclosure statement made by accused

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ASI Gulshanbir Singh to PW Iqbal Singh before extra judicial confession has been made by ASI Gulshanbir Singh that Jagtar Singh was used to torture Bikramjit Singh. When first application for bail of the petitioner was dismissed on 24.8.2015, statement of Iqbal Singh had not been recorded. Iqbal Singh has now been examined as PW.2 and he has proved extra judicial confession made by ASI Gulshanbir Singh informing that petitioner was ordered to sit on Bikramjit Singh as part of activity of torture. The extra judicial confession regarding role attributed to the petitioner being an accomplice will be a debatable issue.

Without expression of any opinion on merits, it is sufficient to observe here that the petitioner has been in custody w.e.f 19.6.2014. The entire evidence has been recorded and the trial is being delayed on account of application under Section 311 Cr.P.C. having been filed. Considering the conduct of the petitioner that he had himself surrendered before the Court; chances of tampering with the evidence being remote and co-accused Deep Raj Singh having been granted bail by this Court on 18.5.2017, the petitioner can be granted the concession of bail as the petitioner has been in custody for about 4 years.

The petition is allowed. It is ordered that the petitioner will be released on bail on his furnishing bail bond/surety bond to the satisfaction of the trial Court.

(M.M.S. BEDI)
JUDGE

April 27, 2018.
raj arora

Whether speaking / reasoned
Whether reportable:

Yes / No
Yes / No