

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

**CRM-M-17451-2018**  
**Date of decision: 01.06.2018**

**Mandeep Singh**

**...Petitioner**

**Versus**

**State of Punjab**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Amandeep Singh Rai, Advocate  
for the petitioner.

Mr. Abhay Pal Singh Gill, AAG, Punjab.

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

**ARVIND SINGH SANGWAN, J. (Oral)**

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 220 dated 15.12.2016, registered under Sections 364, 302, 201, 148 and 149 of the Indian Penal Code at Police Station City 1, Abohar, District Fazilka.

Learned counsel for the petitioner submits that the petitioner is in judicial lock up since 29.12.2016 and only one prosecution witness has been examined so far. Learned counsel for the petitioner further submits that co-accused of the petitioner, namely Baljinder Singh @ Girdhari, has already been granted concession of regular bail by this Court, vide order dated 27.03.2018, passed in CRM-M-11710-2018. The operative part of the said order is as under:

“Counsel for the petitioner has submitted that as per

the allegation in the FIR, the deceased died on 28.12.2010 and his postmortem was conducted on 29.12.2010 in which cause of death was opined to be a head injury. It is further submitted that when father of the deceased got the DDR registered on 25.12.2010, he has not raised any suspicion on any person. On 14.12.2016, Sandeep Singh son of Satpal Singh, a witness a talk between co-accused Mandeep Singh and Sukhwinder Singh that they have committed the murder of Manjit Singh @ Mithu in connivance with Surjit Singh, Baljinder Singh and Surender Singh. In that conversation, it is alleged that Mandeep Singh was saying that they took Manjit Singh @ Mithu from the shop to the field and after committing his murder, they have thrown his dead body in gang canal and due to this curse, his wife had a miscarriage and he believed that this happened due to murder of Manjit Singh @ Mithu. It is also stated that Sukhwinder Singh stated that after the murder of Manjit Singh @ Mithu, he has become a patient of heart disease and they all should undergo religious rituals so that they may not suffer any loss. On hearing such conversation, the aforesaid Surjit Singh got the FIR registered against the petitioner and his co-accused.

Counsel for the petitioner has further submitted that the alleged conversation is after 06 years of the date of incident and the challan has already been presented on 15.03.2017, charges have been framed and the petitioner is in judicial lock up since 28.01.2017. It is further submitted that the case of the prosecution is based on all circumstantial evidence and till date, no prosecution witness has been examined and the petitioner is no more required for further custodial interrogation.

Counsel for the State, on instructions from ASI Baldev Singh, has not disputed the factual position with regard to the dates and the statement made by the complainant – Surjit

Singh who got the aforesaid FIR registered.

Without commenting anything on merits of the case and considering the fact that the petitioner is in judicial lock up since 28.01.2017 and the FIR has been registered on the basis of the information given by Sandeep Singh to the complainant that he has overheard two co-accused i.e. Mandeep Singh and Baljinder Singhtalking to each other about committing the murder of Manjit Singh @ Mithu and also in view of the fact that out of 24 prosecution witnesses, no witness has been examined so far, the present petition is allowed and the petitioner is directed to be released on bail subject to his furnishing fresh bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate.”

Learned State counsel, on instruction from ASI Ramesh Chand, as well as learned counsel for the complainant have not disputed the factual position, however, have opposed the grant of regular bail to the petitioner on the ground that the petitioner and the co-accused have made extra judicial confession before Sandeep Singh.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody since 29.12.2016 and the FIR is registered on the information given by Sandeep Singh that he had overheard the conversation between the petitioner and co-accused Baljinder Singh @ Girdhari that they have committed the murder of Manjit Singh @ Mithu and also in view of the fact that out of total 24 prosecution witnesses, only one witness has been examined so far, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty

Magistrate concerned.

However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found misusing the concession of bail, in any manner.

01.06.2018

*Waseem Ansari*

(ARVIND SINGH SANGWAN)  
JUDGE

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*