

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 05.07.2018

1. CRM-M-24118-2018

Surjit Singh @ Gaggi

... Petitioner

Vs.

State of Punjab

... Respondent

2. CRM-M-24985-2018

Sukhwinder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. A.P. Batra, Advocate
for the petitioner (in both petitions).

Mr. Sidakmeet Sandhu, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in both these petitions is for grant of regular bail in FIR No.220 dated 15.12.2016 under Sections 364, 302, 201, 148, 149 IPC, registered at Police Station City-I, Abohar, District Fazilka.

Learned counsel for the petitioners submits 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 overheard a talk between co-accused Mandeep Singh and Sukhwinder Singh (petitioner) that they have committed the murder of Manjit Singh @ Mithu in connivance with Surjit Singh (petitioner), 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 gangcanal 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 (petitioner) 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, Surjit Singh (petitioner) got the FIR registered against Baljinder Singh @ Girdhari and his co-accused.

Learned counsel for the petitioners 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 petitioners is in judicial lock up since 29.12.2016. It is further submitted that the case of the prosecution is based on all circumstantial evidence and till date, out of 24 prosecution witness, only 01 PW has been examined and the petitioners are no more required for further custodial interrogation. It is further submitted that co-accused of the petitioners namely Baljinder Singh @ Girdhari has been granted the concession of regular bail vide order dated 27.03.2018 passed in CRM-M-11710-2018 (Annexure P-4) and another co-accused namely Surinder Singh @ Bhuri has been granted the concession of regular bail vide order dated

20.04.2018 passed in CRM-M-14741-2018 (Annexure P-5).

Learned State counsel has filed the custody certificates of the petitioners and as per these custody certificates, petitioner Surjit Singh @ Gaggu has undergone 01 year, 06 months and 07 days of total sentence and petitioner Sukhwinder Singh has undergone 01 year 05 months and 28 days of total sentence and they are not involved in any other case.

Without commenting anything on merits of the case, considering the fact that the petitioners have undergone the substantive judicial custody and only one PW has been examined so far, out of total 24 prosecution witnesses; they are not involved in any other case; co-accused of the petitioners have already been granted the concession of regular bail, these petitions are allowed and the petitioners are directed to be released on regular bail subject to furnishing their bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

Petitions are disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

05.07.2018
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No