

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

**CRM-M No.46973 of 2017
Decided on: 08.08.2018**

Harjot Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Ms. G.K. Mann, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

Mr. Bhoop Singh, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.114 dated 13.07.2017, for offence punishable under Sections 302, 201, 404, 120-B read with Section 34 of the Indian Penal Code, 1860 (in short 'IPC'), registered at Police Station Payal, District Khanna, Ludhiana.

Counsel for the petitioner has argued that the petitioner is in custody since 14.07.2017 and the complainant i.e. Varinder Singh son of deceased – Dal Singh as well as the witness of last seen i.e. Varinder Singh son of Surjit Singh, have already been examined by the trial Court. It is further submitted that as per the version given in the DDR (Annexure P3), which was got registered by the complainant –

Varinder Singh, about his missing father since 05.07.2017, he has not raised any doubt towards the petitioner or the co-accused. It is further argued that the FIR was registered after 07 days with the allegations that he was informed by Varinder Singh @ Vicky son of Surjit Singh that he had seen Dal Singh, talking to one Sardar and a Muslim fashioned person, who had a Swift car of white colour bearing registration No.PB-11-AS-0795 and when he went to meet his uncle (Foofad) deceased – Dal Singh, he told that other persons are namely Gurmukh Singh Pandher and Gurmit Singh (co-accused) and they all left towards Doraha. Thereafter, this witness has gone to Hazoor Sahab and when he reached back on 13.07.2017, he came to know that his uncle namely Dal Singh, is missing then, he informed the aforesaid fact to the complainant – Varinder Singh son of Dal Singh.

Counsel for the petitioner has further argued that there is no direct allegation against the petitioner – Harjot Singh either with regard to last seen on 05.07.2017 or regarding any recovery effected from him. It is further submitted that in the statement made before the Court, Varinder Singh son of Dal Singh, who appeared as PW4, has made improvements in his version given to police with regard to the money given by his father to the accused persons including the petitioner and also with regard to the conspiracy hatched by the petitioner with co-accused namely Gurmukh Singh, Gurdev Singh and Amarjit Singh.

Counsel for the petitioner has also drawn reference to the statement of this witness to submit that the dead body of Dal Singh was got recovered by Gurmukh Singh, Gurdev Singh and Amarjit Singh and

it was not in presence of the petitioner. It is further submitted that the case is still fixed for prosecution evidence and it will take some time in conclusion of the trial and Varinder Singh, the witness of last seen being first cousin of the complainant – Varinder Singh son of deceased – Dal Singh, is an interested witness.

In reply, counsel for the State, on instructions from ASI Satpal, assisted by counsel for the complainant has submitted that during the investigation, the petitioner – Harjot Singh has suffered a disclosure statement that he had given an amount of Rs.40,000/- to co-accused – Amarjit Singh for committing the murder of Dal Singh. It is also stated that even in the disclosure statement of Amarjit Singh, he has admitted that Harjot Singh and Gurmit Singh, have given him Rs.40,000/- and the motorcycle was also recovered from this witness. It is also stated that the disclosure statement of Amarjit Singh was recorded by the police on 16.07.2017 by SI Jaswant Singh.

Counsel for the complainant has drawn reference to the statement of PW4, where he has stated that all the accused have committed the murder of his father – Dal Singh as they owed amount towards him and they have paid Rs.70,000/- to Amarjit Singh for committing the murder of his father – Dal Singh. This witness has also identified all the 04 accused persons in the Court and, thus, it is submitted that sufficient evidence has come on record to show that the petitioner along with other co-accused have committed a conspiracy and have paid an amount of Rs.70,000/- to Amarjit Singh for committing the murder of Dal Singh.

Without commenting anything on merits of the case and

considering the gravity of offence that the petitioner is facing charge under Section 302 IPC, the argument of the petitioner that the petitioner is in custody for a period of about 01 year or that the dead body of Dal Singh was not recovered in his presence and the complainant that, at the first instance, while registering the DDR, he has not raised any suspicion towards the petitioner, cannot be taken as a ground for granting regular bail to the petitioner, at this stage, in view of the evidence which has come on record.

In view of the above, finding no merit, the petition fails and is accordingly dismissed.

Nothing observed hereinbefore shall have any bearing on merits of the case.

(ARVIND SINGH SANGWAN)
JUDGE

08.08.2018
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No