

CRM-M-47341-2017

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

CRM-M-47341-2017

Date of Decision: 19th April, 2018

Jeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Surinder Garg, Advocate,
for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner, who has been arrested in this case on 25.05.2015, has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.31, dated 23.05.2015, registered at Police Station Sadar Rampura, District Bathinda, under Sections 302, 364, 201 and 34 of the Indian Penal Code (hereinafter referred to as 'IPC').

It is the contention of the learned counsel for the petitioner that going by the allegations in the FIR, what has been asserted is that the incident had taken place on 21.05.2015, when the petitioner along with two other accused had come on a motorcycle and forcibly taken Jagsir Singh

with them by making him sit on the motorcycle behind petitioner-Jeet Singh and thereafter, other two had also sat on the motorcycle. He contends that the complainant is the eye-witness and had it been a case where deceased would have been forcibly taken away by the petitioner, immediately complaint would have been filed by the complainant, who is the mother of the deceased, instead the complaint is filed on 23.05.2015 and that too, of missing report. His further submission is that the dead body of the deceased was found from a canal.

Counsel for the State, on instructions from ASI Chaman Lal, P.S. Sadar Rampura, District Bathinda, informs the Court that cause of death is relatable to slitting of the throat by a sharp edged weapon. He contends that recovery has also been made of the purse of the deceased and his photograph. He contends that the petitioner is the one, who is the master mind, as going by the allegations in the FIR, petitioner had suspected illicit relations of the deceased with his wife. He contends that the petitioner be not granted concession of bail.

Counsel for the petitioner, on the other hand, asserts that the petitioner is in custody for almost three years with the fact that only 7 prosecution witnesses having been examined and 4 having been given up, there are still 13 witnesses to be examined and therefore, trial is not likely to conclude soon. Reference has also been made to the fact that two primary eye-witnesses, namely, Paramjit Kaur (PW-1) and Simarjit Kaur (PW-3), mother and sister of the deceased respectively, have not supported the case of the prosecution in the cross-examination. He, therefore, prays that the

petitioner be granted the concession of regular bail during the pendency of the trial.

I have considered the submissions made by the counsel for the parties and have gone through the records of the case.

A perusal of the cross-examination of two prosecution witnesses i.e. Paramjit Kaur (PW-1) and Simarjit Kaur (PW-3), would show that they have, in the cross-examination, not fully supported the case of the prosecution. That apart, out of total 24 prosecution witnesses, only 11 can be said to have been examined or given up till date with 13 more witnesses to be examined, the trial is not likely to conclude soon and keeping in view the fact that the petitioner is in custody for such a long time, no useful purpose would be served by keeping him in custody especially when eye-witnesses already stand examined.

In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

(AUGUSTINE GEORGE MASIH)
JUDGE

19th April, 2018
Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No