

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-49082 of 2017 (O&M)

Date of decision : 17.2.2018

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Jagtar Singh

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Premjit Singh Hundal, Advocate
for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General,
Haryana.

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H. S. Madaan, J.

This application for regular bail has been filed by Jagtar Singh, an accused in FIR No. 57 dated 24.6.2016, for offences under Section 304/34 IPC, registered at Police Station Panjokhra, District Ambala.

Briefly stated, facts of the case as per prosecution version are that the FIR in question was recorded on the basis of statement of complainant Charanjit Kaur @ Charno w/o Amarjit Singh, r/o village Jatwar, Tehsil Naraingarh, P.S. Panjokhra, District Ambala, aged about 45 years, wherein she stated that she had a son by

the name of Sukhjinder Singh, who was a student of ITI, Zirakpur, SAS Nagar, Mohali, whereas her daughter Kulwinder Kaur was married; that a month earlier Sukhjinder Singh used to remain at home due to holidays and Kulwinder Kaur had also come to her house; that Maninder Singh s/o Amarjit Singh and Jagtar Singh @ Jagga s/o Kapoor Singh residents of their village used to visit their house to meet Sukhjinder Singh; that Maninder Singh and Jagtar Singh @ Jagga have been drug addicts; that she had asked her son Sukhjinder Singh to keep away from them; that she had told Maninder Singh and Jagtar Singh @ Jagga not to visit her house but they would come there whenever they got a chance; that on 21.5.2016, in the evening, when Sukhjinder Singh had gone to play ground of the village, then complainant came to know that Maninder Singh and Jagtar Singh @ Jagga were also there; that then she and her daughter Kulwinder Kaur searched for Sukhjinder Singh but could not find him; that at about 7.15-7.30 P.M. when they were returning home, then they saw Maninder Singh and Jagtar Singh @ Jagga in the courtyard of complainant's house; that Maninder Singh was having a syringe; that when complainant and her daughter confronted them, they went away in the street without talking to them. Thereafter, complainant and her daughter found Sukhjinder Singh lying on the bed smeared with mud and his feet were hanging from the bed in the house. They observed a mark of syringe on his right arm. Sukhjinder Singh was taken to the hospital at Ambala for treatment. However, he was declared brought dead. In the said statement, complainant stated that Maninder Singh and Jagtar Singh

@ Jagga had injected some poisonous substance to Sukhjinder Singh, as a result of which he had died. The statement was made on 24.6.2016.

Jagtar Singh was arrested in this case on 1.7.2017. He had filed an application for grant of regular bail before the Court of Sessions which was dismissed by Additional Sessions Judge, Ambala, vide order dated 5.12.2017, as such he has approached this Court craving for the grant of similar relief. The petition is being opposed by the State counsel.

I have heard learned counsel for the petitioner, learned State counsel besides going through the record.

Learned counsel for the petitioner has submitted that there is a delay of more than one month in lodging the FIR. Sukhjinder Singh happened to be a drug addict and he had died as a result of drug overdose and the FIR has been lodged as a result of an afterthought. Therefore, the petition be allowed and the petitioner be granted bail.

On the other hand, learned State counsel has opposed the request vehemently.

As far as delay in lodging the FIR is concerned, no doubt, desirability of prompt lodging of the FIR is always there but delay alone is not sufficient to put a question mark over truthfulness of prosecution story, without other reasons like previous enmity and strong motive for false implication of the petitioner, being there. No such reason or motive is being alleged. As regards the relatives of the complainant not raising accusing finger towards the petitioner and

his co-accused during inquest proceedings, as has been rightly observed by the Court below, they were not present at the relative time and had no previous knowledge regarding the incident. Rather they had come afterwards on receipt of information regarding the death of Sukhjinder Singh. Therefore, their non-mentioning of the fact that accused had injected some poisonous substance to Sukhjinder Singh does not help the petitioner in any way. According to the complainant, she was in a state of shock, undergoing trauma due to the sudden death of her only son and it was only when she had come out of that situation to some extent, that she had made statement to the police. According to the State counsel, as per call details of mobile phone of the deceased and accused collected during investigation, the same points out towards conversation between them prior to the incident and their location being together.

The trial against the accused is going on, which is stated to be at an advanced stage. The guilt of the accused shall be determined during the trial. Thus no case for grant of regular bail is made out.

Accordingly, the petition stands dismissed.

(H.S. Madaan)
Judge

17.2.2018
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Whether speaking / reasoned Yes / No

Whether reportable Yes / No