

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

CRM-M No.7525 of 2018

Decided on: 16.03.2018

Charanjit Singh @ Chana

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Manbir Singh Basra, Advocate
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

TEJINDER SINGH DHINDSA, J. (Oral)

Petitioner seeks benefit of regular bail pending trial in case FIR No.61 dated 14.12.2016, under Sections 302, 364, 34 IPC registered at Police Kalanaur, District Gurdaspur.

Counsel for the parties have been heard.

Initially, FIR came to be registered under Section 364/34 IPC on the statement of Rajinder Kaur as regards her husband namely; Jaswant Singh having been gone missing. As per version of the complainant, one Gurmukh Singh had taken Rs.60 lacs from her husband which was not being returned. On 11.12.2016, a mobile call had been

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received by her husband from Gurmukh Singh while at home and thereafter Jaswant Singh informed the complainant that he was going to meet Gurmukh Singh. At the time of lodging missing report, complainant voiced clear suspicion against Gurmukh Singh (co-accused) as also present petitioner i.e. Charanjit Singh @ Chana to the effect that Jaswant Singh has been kidnapped with an intention to avoid repayment of the debt. Body of Jaswant Singh was retrieved from Lahore breach canal on 19.12.2016. Accordingly, offence under Section 302 IPC was added on 19.12.2016.

Petitioner was arrested on 19.12.2016 itself.

Apart from the finger of suspicion having been pointed by the complainant, prosecution is relying upon the disclosure statement of the petitioner himself as also co-accused-Gurmukh Singh.

Evidentiary value of such disclosure statement would be an aspect to be dealt with by the trial Court.

The motive attributed as regards Rs.60 lacs having not been returned is against co-accused Gurmukh Singh.

Present petitioner is not stated to be related to Gurmukh Singh.

Material witnesses i.e. complainant herself as also Amrik Singh Singh, brother of the deceased have been examined. Their deposition has been read out in Court today.

Counsel argues that even in such deposition, the basis of having pointed out a finger of suspicion at the present petitioner is not reflected.

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Trial would take time to conclude.

Petitioner has faced incarceration of almost 15 months.

In view of the discussion herein above, petitioner is held entitled to the benefit of bail.

Petition is allowed.

Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Gurdaspur.

Disposed of.

It is clarified that observations made in this order are confined only as regards considering the prayer and would have no bearings on the merits of the case.

[TEJINDER SINGH DHINDSA]
JUDGE

March 16, 2018
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Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No