

**In the High Court for the State of Punjab and Haryana
At Chandigarh**

CRM-M-55552-2018 (O&M)

Date of Decision:-21.12.2018

Sukhchain Singh @ Chaina

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. K.S. Brar, Advocate for the petitioner.

GURVINDER SINGH GILL, J.(Oral)

Petitioner Sukhchain Singh @ Chaina has filed this petition seeking grant of regular bail in respect of a case registered against him vide FIR No.42 dated 6.6.2017, under Sections 302, 201, 34 IPC at Police Station Bariwala, Sri Muktsar Sahib.

The FIR was lodged at the instance of Krishan Singh who has alleged that his son Hardev Singh and Jaskaran Singh @ Jassi who is like his brother were working in the pipe factory and that on 5.6.2017 they had gone on a motorcycle to fetch a drum of drinking water but did not return back. Later, the dead bodies of Hardev Singh and Jaskaran Singh @ Jassi were found lying in canal minor and they pulled out the dead bodies with the help of some other persons and found that there were injury marks on the head of Jaskaran Singh @ Jassi and that Hardev Singh was having internal injuries. It is alleged that some unknown persons had killed them by administering some poison or by strangulating them.

Learned counsel for the petitioner has submitted that he is not named in the FIR and has been implicated on the basis of some supplementary statement, recorded after 2 days of the FIR and also on the basis of an extra judicial confession, allegedly made by accused before one Shivraj Singh and that in fact it is a case of blind murder and there is no evidence worth credence to connect the petitioner with the occurrence.

On the other hand learned State counsel has submitted that in the supplementary statement of the complainant he has specifically stated that when he went to the pipe factory, where his son and Jaskaran Singh @ Jassi were working, he heard the three accused who were also working in the same factory talking amongst themselves that they had eliminated them. Learned State counsel has submitted that in fact subsequently the present petitioner along with his co-accused have also suffered an extra judicial confession before Shivraj Singh and there is evidence in the shape of 'last seen' evidence in the shape of statement of Sukhdev, Sarpanch and that in these circumstances there is no case for grant of bail to the petitioner.

Having considered rival submissions addressed before this Court, I find that the present case is based solely on circumstantial evidence which is mainly in the shape of extra judicial confession and 'last seen' evidence. The authenticity and admissibility of such evidence would certainly be debatable. In any case, the petitioner has been behind bars since the last about 1 year and 6 months and in my opinion no useful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted. The petitioner Sukhchain Singh @ Chaina is ordered to be released on bail on his furnishing bail bonds/surety bonds to the

satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition stands accepted accordingly.

21.12.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No