

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

CRM-M-3760-2019

Date of decision: May 20, 2019

Jarnail Singh		Petitioner
	Versus	
State of Punjab		Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.P.S. Sidhu, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Punjab.

Mr. Rajinder Singh Bhatia, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J.

This is the second petition filed by the petitioner under Section 439 Cr.P.C. for grant of regular bail in case FIR No.188 dated 2.10.2017 under Sections 302, 201, 148, 149, 120-B IPC registered at Police Station Sadar, Jalalabad, District Fazilka, the first one was dismissed as withdrawn on 27.3.2018, as at that time, no prosecution witness was examined.

The petitioner has filed this petition on the ground that since the statement of complainant PW1-Parveen Rani has already been recorded and on the basis of the said statement, some new grounds are made out.

Brief facts of the case are that the complainant got the FIR registered with the allegations that she had married to deceased Joginder Singh @ Pamma and about one month back, Malkiat Singh @ Kitu, Sukhdev Singh @ Sukha had stolen 38 bags of wheat and Rs.3100/- from

their house and returned the amount and some wheat. On 29.9.2017, the complainant along with Joginder Singh visited the house of Malkiat Singh to take back the remaining wheat where Malkiat Singh, his brother Paramjit Singh, Jaswant Singh, Gurmeet Singh, their father Darshan Singh and one Raj Rani had a quarrel with us and gave beatings. Thereafter, they came back home. On 2.10.2017, they were to visit the Police Station but on the previous night at 9.00 p.m., Joginder Singh told her that he is going to the house of Makhan Singh at village Danda Kadeem on his motorcycle and, thereafter, he did not return back home. On the next day, i.e. 2.10.2017, her neighbour Jugraj told him that he had received a phone call from his relative that the dead body of Joginder Singh @ Pamma is lying behind a room on the road which is leading to village Karyal. The complainant alongwith Jugraj and Chhinder Pal reached at the spot and found the dead body of her husband with injuries on the back side of his head. She raised suspicious on the aforesaid Malkiat Singh and his brothers, father and Raj Rani and the FIR was registered.

It is worth noticing that, thereafter, the petitioner recorded a supplementary statement on 8.10.2017 in which he changed her version and stated that after she got recorded the FIR against Malkait Singh and others, she came to know that her husband used to visit the house of Nihal Singh, Sarpanch and used to stay in his house and also consume liquor. She further came to know that Joginder Singh @ Pamma alongwith Nihal Singh Sarpanch had gone to Jalalabad and both of them came back together and she has stated that Nihal Singh, Harbans Kaur, wife of Milkha, Chhinder

Singh son of Milkha Singh and Amarjit Singh had committed murder of her husband.

The complainant, thereafter, had given another version on 12.10.2017 that on 1.10.2019 at about 9.00 p.m. petitioner-Jarnail Singh contacted her on phone and asked him to go to Police Station Sadar, Jalalabad and on receiving the phone call Joginder Singh @ Pamma, alongwith Jarnail Singh visited the Police Station. When she contacted Jarnail Singh, who informed that they are in Police Station and when she asked about Joginder Singh @ Pamma, he informed that he has gone somewhere else. At about 1.00 a.m., in the night, Jarnail Singh came to her house and informed that Joginder Singh @ Pamma is roaming with some lady and he will be killed. Upon this, she asked Jarnail Singh-petitioner as to why he has not called the police and she has doubt that Jarnail Singh has committed the murder.

Counsel for the petitioner argued that the petitioner has given three different versions. Counsel has further argued that the police, on investigation, found all the persons named in the FIR to be innocent and the persons named in the second version have been got concession of regular bail by this Court and the petitioner is in custody since 1.11.2017. It is further stated that the statement of complainant-Parveen Rani as PW1 has already been recorded in which she has admitted that in her first statement Ex.P1 and second statement Ex.P2, she had given different names of the accused in the second statement, she also gave certain names, including the petitioner.

Counsel for the petitioner has next argued that it is an unbelievable story that the petitioner was in touch with the complainant on the night of 1.10.2017 when her husband was murdered he even visited her house at 1.00 a.m. on the same night but neither in the first nor in the second version, the complainant has given this version, as per the FIR at the first instance.

Learned State counsel, on instructions from the Investigating Officer, has not disputed the factual position.

Counsel for the complainant has, however, argued that the complainant, while appearing as PW1, in the Court had given a correct version and, therefore, the police has believed the version given by the complainant on the basis of her statement given on 12.10.2017.

After hearing counsel for the parties, I find that it is a fit case where the concession of regular bail be granted to the petitioner, especially in view of the fact that the statement of complainant has already recorded and there is no possibility of tampering with the evidence.

Resultantly, the petition is allowed and petitioner-Jarnail Singh is ordered to be released on regular bail, subjected to his furnishing appropriate bail/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate/Illaqa Magistrate, concerned.

The petition stands disposed of, accordingly.

(ARVIND SINGH SANGWAN)
JUDGE

May 20, 2019
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No