

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

CRM-M-10690-2019 (O&M)

Date of Decision:-5.4.2019

Paramjot Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Manpreet Ghuman, Advocate for the petitioner.

Ms. Rashmi Attri, Assistant Advocate General, Punjab.

GURVINDER SINGH GILL, J.(Oral)

The petitioner seeks grant of regular bail in a case registered vide FIR No.68 dated 7.6.2018, Police Station Dhanaula, District Barnala under Sections 302,324,341,506,148,149 and 120-B of Indian Penal Code, 1860.

The FIR was lodged at the instance of Labh Singh (deceased himself), wherein he stated that on 6.6.2018 at about 1:00 PM, when he started from village Fatehgarh Channa to Dhanaula in his auto-Mahindra Alpha bearing registration No.PB-19-H-6067, there was no passenger with him. When he reached Peerkhana, then one vehicle came from behind and after overtaking his vehicle stopped in front of his vehicle. Four boys armed with 'kirch' and rods alighted from the said vehicle. One of them retorted

that the daughters and sisters are common to all and they started given injuries to him. While one of them is alleged to have given a blow with 'kirch' on his chest and on his back side, another gave a blow with rod on his head. The other boys caused injuries on his left shoulder and right wrist with rods. It is alleged that when one of the passerby asked them as to why they are giving beatings to the complainant, the said boys ran away from the spot in a vehicle. The complainant disclosed the registration number of the said vehicle as PB-10-GB-1512. It is further stated that subsequently Baldev Singh, a cousin of the complainant, took him to hospital, but the complainant succumbed to his injuries.

It is also the case of prosecution that one of the co-accused i.e. Buta Singh made extra judicial confession before Chet Ram, Sarpanch. Chet Ram in his statement under Section 161 Cr.P.C stated that Buta Singh disclosed to him that Labh Singh used to tease Buta Singh's neice and due to which Buta Singh wanted to teach him a lesson. Buta Singh discussed about conduct of Labh Singh with Paramjot Singh who owed an amount of Rs. 1 lac to Buta Singh and told him that he would not ask for repayment of said amount upon which Paramjot assured that he will teach Labh Singh a lesson. Pursuant to said understanding Paramjot petitioner gave his car to his acquaintance Harpreet Singh who brought Ajay Kumar, Money, Bunty and one unknown person and way-laid the deceased and gave beatings to him.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that the present case is case of blind murder and is based solely on circumstantial evidence. The learned counsel has further referred to the testimony of PW1 Baldev

Singh cousin of the deceased whose name also finds mentioned in the FIR and who has absolutely resiled from his statement, when he stepped into the witness box. The learned counsel has drawn the attention of this Court to the testimony of PW2 Chet Ram before whom Buta Singh allegedly made an extra judicial confession. The said witness has also absolutely resiled from his statements. PW3 Binder Kaur, wife of the deceased, while in the witness box also did not support the case of the prosecution. It has thus been submitted that since the present case is a clear case of “no evidence”, no useful purpose would be served by further detaining the petitioner behind bars.

Opposing the petition, the learned State counsel has submitted that since the petitioner had suffered a extra judicial confession, the effect of his resiling while in the witness box, is a matter to be assessed at the time trial and at this stage it cannot be said that the said extra judicial confession had not been made by the petitioner and has thus prayed for dismissal of the petition. It has been pointed out that the car used in occurrence belongs to the petitioner which shows his complicity. It has, however, been informed that the petitioner has been behind bars since the last more than 8 months.

Having considered rival submissions addressed before this Court, this Court finds that the present case is based mainly on circumstantial evidence and mainly on the extra judicial confession allegedly made by co-accused Buta Singh before Chet Ram. However, the said Chet Ram, while in the witness box has absolutely resiled from his statement. In these circumstances, it would certainly be debatable as to whether the petitioner was indeed amongst the assailants or not, given the

fact that there is no eye witness to the occurrence. The petitioner has been behind bars since the last more than 8 months and since as on date only 5 witnesses out of the 18 cited prosecution witnesses have been examined, the conclusion of trial is likely to take some time. In these circumstances, further detention of the petitioner would not serve any useful purpose. The petition, as such, is accepted and petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

This petition stands accepted accordingly.

5.4.2019

rakesh

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No