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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
10/1/2019 16:09
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CRM-M-21551-2018 (O/M)
Date of decision : 9.1.2019

Sukhwinder Singh Petitioner (s)
Versus
State of Punjab Respondent (s)

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Dr. Anmol Rattan Sidhu, Senior Advocate, with,
Mr. Nitin Meel, Advocate,
for petitioner.
Mr. Karanbir Singh, AAG Punjab,
assisted by ASI Manmohan Singh.
Mr. Satish Goel, Advocate,
for complainant.

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KULDIP SINGH, J. (ORAL)

This order will dispose of first application, filed by petitioner Sukhwinder Singh, under Section 439 Cr.P.C., for grant of regular bail in FIR No. 95, dated 26.10.2017 under Section 302 IPC read with Section 25 of Arms Act, 1954, registered at Police Station Kotwali Nabha, District Patiala.

Police file perused.

The allegations are that one Monik Jindal, who was sitting in his Commission Agent Shop, was shot dead by two motorcyclist assailants on 25.10.2017 at 8:46 PM. The injured Monik Jindal, was removed by Robin, son of Krishan Kumar, to hospital, but he succumbed to injuries. The FIR was lodged by Rakesh Kumar, brother of deceased. It also comes out that during investigation, one Sandeep Kumar Garg, made a statement that he had seen said assailants and that he can identify them, if they are brought before him. He had also given description of said assailants.

The learned senior counsel for petitioner has argued that it is a case of circumstantial evidence. Petitioner was arrested on 30.10.2017.

Challan was presented in Court on 4.1.2018. The trial has not concluded yet. Therefore, he should be released on regular bail. It is contended that even in the report of FSL, no definite opinion could be given whether .32 bore bullet, recovered from dead body, matched with licenced revolver, recovered from present petitioner Sukhwinder Singh.

The contention has been vehemently opposed by learned State counsel as well as by learned counsel for complainant. It is stated that statement of Sandeep Kumar Garg is being recorded in Court. His examination in chief was conducted on 28.10.2018 and he is yet to be cross examined. He identified the petitioner in Court. It is further stated that there is extra judicial confession against petitioner. 32 bore licenced revolver was recovered from present petitioner which is alleged to have been used in crime. The learned State counsel has further argued that they have collected evidence regarding fact that present petitioner Sukhwinder Singh owed a huge amount to deceased which was motive for murder. It is further contended that on scrutiny of call details of petitioner, his mobile phone was found switched off during one hour during which crime has been committed.

I am of view that evidence is yet to be weighed by trial Court. The evidence of principal witness is going on. Therefore, no comment can be made about evidentiary value of any witness. Considering facts and circumstances and fact that trial is going on, there is no ground to grant regular bail to petitioner. Petition is dismissed.

(KULDIP SINGH)
JUDGE

9.1.2019
sjks

Whether speaking order : Yes / No

Whether reportable : Yes / No

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