

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

CRM-M-15484-2019 (O&M)

Date of decision: 27.05.2019

Mandeep Singh @ Bitti

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. K. D. S. Sandhu, Advocate
for the applicant-petitioner.

Mr. M. S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

CRM-16541-2019

Allowed as prayed for.

Documents are taken on record.

CRM-M-15484-2019 (O&M)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 175 dated 01.05.2018, registered under Sections 302, 364, 342, 201, 323, 34 of the IPC at Police Station Sadar Jagraon, District Ludhiana.

Learned counsel for the petitioner relies upon order dated 19.03.2019, passed by this Court in CRM-M-11808-2019, vide which, co-accused Sukhwinder Singh @ Gopi was granted concession of regular bail by passing the following order:

“Learned counsel for the petitioner submits that as per the allegations in the FIR, registered on the statement of Krishna Bai wife of Kulwant Singh, it is stated that she has four children and Jagtar Singh @ Sonu was living with her for the last 15/16 years and on

30.04.2018, he had gone out in relation to some work and did not return in the evening. At about 10.00 PM, when she had gone to Sidhwan and was returning, she found that the body of Jagtar Singh @ Sonu was lying on Safipura main road chowk bearing injury marks caused by some unidentified vehicle.

Learned counsel for the petitioner further submits that it was a case of accident which was later on converted into a murder case under Section 302 IPC and the petitioner is in judicial custody since 14.05.2018 and all the material prosecution witnesses have already been examined and they have not supported the prosecution version.

Learned counsel for the petitioner has placed reliance upon the statement of complainant PW-1 Krishna Bai (Annexure P-2) who was declared hostile as she did not support the prosecution version. Similar statement is made by PW-3 Gurdeep Singh. Another witness PW-8 Sonupreet, who was stated to be with complainant Krishna Bai at the time of incident, has also resiled from his statement and has even stated that he did not identify the accused person in Court.

Learned counsel for the petitioner has referred to the statement of PW-9 Dr. Pinki Swaroop, Medical Officer, SDH, Jagraon, who conducted the postmortem of the dead body. In the cross-examination, this witness has stated that “possibility of injuries No. 1 to 6 by hitting a vehicle with force cannot be ruled out”.

Learned counsel for the petitioner has, thus, submitted that since all the material prosecution witnesses have already been examined, there is no possibility for the petitioner to influence any witness and only official witnesses are left to be examined.

Learned State counsel, on instructions from ASI Kulwinder Singh, could not dispute the factual position, however, submitted that the police, on investigation and verification, has found that it is a case of Section 302, 364 and 342 IPC.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that petitioner is in judicial custody since 14.05.2018 and all the material witnesses have been examined and they have not supported the case of the prosecution, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. ”

Learned counsel for the petitioner submits that the allegations against the petitioner are identical to those of co-accused Sukhwinder Singh

@ Gopi.

Learned counsel for the petitioner has relied upon Annexures A-1 and A-2 to argue that petitioner is suffering from eye ailments and his wife is suffering from Hernia and needs urgent medical assistance.

Learned State counsel could not dispute the factual position especially in view of the statement of PW-1 Krishna Bai and PW-3 Gurdeep Singh, who have failed to identify the accused persons in Court.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid facts and also in view of the fact that petitioner is in judicial custody since 10.10.2018, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

27.05.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No