

In the High Court of Punjab and Haryana at Chandigarh

224-A

CRM-M-50960-2018 (O & M)

Date of Decision: 14.05.2019

SURJIT SINGH @ SITA

.....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Ashok Saini, Advocate
for the petitioner.

Ms. Ruchika Sabharwal, AAG, Punjab.

Mr. Vipin Mahajan, Advocate for the complainant.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking regular bail in FIR No. 12, dated 15.02.2016, under Sections 302, 201, 365, 364 read with Section 34 IPC, registered at Police Station Bhaini Mian Khan, District Gurdaspur.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR. It is a case of circumstantial evidence. The cause of death could not be ascertained by the Board of Doctors. The body of the deceased and the car of the deceased were recovered from the canal. He also contends that the petitioner is in custody for over 3 years and only two witnesses including the complainant have been examined. He is not involved in any other case.

Learned State counsel on instructions from ASI Rakesh Kumar states that 02 out of 35 prosecution witnesses have been examined. She also states that the clarification was sought from the Board of Doctors regarding the cause of death wherein they opined that the possibility of death due to drowning could not be ruled out.

Learned counsel for the complainant has vehemently opposed the bail application by stating that in the wake of extra-judicial confession and the disclosure statement of the petitioner, which led to the recovery of the vehicle, the petitioner would not be entitled to the regular bail.

Heard.

In view of the submissions of learned counsel for the petitioner especially when the petitioner is not named in the FIR, the case is based on circumstantial evidence, the petitioner is in custody for over 03 years and 03 months and conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

May 14, 2019

A.Kaundal

Whether speaking/ reasoned:	Yes/No
Whether Reportable :	Yes/No