

214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23678-2019 (O&M)

Date of decision:28.05.2019

Gurmeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Preetwinder Singh Dhaliwal, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

RAJBIR SEHRAWAT, J. (ORAL)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.8 dated 29.01.2017 registered under Section 365 of IPC and Sections 302, 201, 34 of IPC has been added later on, at Police Station Mehal Kalan, District Barnala.

Learned counsel for the petitioner contends that initially the case was registered in January, 2017 only under Section 365 of IPC. However, in the year 2019, Section 302 of IPC has been added in the case by claiming that the skeleton of the alleged deceased was recovered from Canal. Pursuant to that the petitioner was arrested in the case on 14.01.2019. It is further submitted that there is not even any evidence to connect the alleged skeleton to the deceased, alleged to have been killed. Still further, there is nothing with the prosecution agency to connect the petitioner to the alleged crime; except the alleged extra-judicial confession of the petitioner; before PW-1 Joginder Singh. However, that Joginder Singh has already been examined as a prosecution witness before the trial

Court. He has not supported the case of the prosecution qua the extra

judicial confession. Hence, it is absolutely clear that there is no evidence with the prosecution agency to connect the petitioner to the alleged crime. Still further, it is submitted that there is no other case against the petitioner. He has been roped in the case only on the basis of the suspicion.

On the other hand, learned State counsel, being instructed by ASI Shareef Khan, submits that the case was converted to offence under Section 302 of IPC after the half burnt skeleton of the deceased was recovered from the river. However, it is not disputed that the prosecution does not have any evidence for connecting the skeleton to the alleged deceased. Still further, it is also not disputed that the prosecution had relied upon the extra-judicial confession of the petitioner to connect him the crime, however, the prosecution witness, before whom the alleged extra-judicial confession was allegedly made, have not supported the case of the prosecution; while appearing as witness before the Court.

In view of the above, but without commenting any further upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

(RAJBIR SEHRAWAT)
JUDGE

28.05.2019
Hemlata

Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No