

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

CRM-M-25515-2019

Date of decision:04.06.2019

Rashpal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Jasraj Singh, Advocate
for the petitioner.

Mr. H.S. Grewal, Addl. A.G., Punjab.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner has approached this Court seeking grant of regular bail in a case registered vide FIR No.80 dated 16.06.2017 under Sections 302, 201, 120-B and 34 IPC read with Section 148 and 149 of Indian Penal Code, 1860 at Police Station Bulhawal, District Hoshiarpur.
2. The FIR was initially registered at the instance of Nirmal Kaur (later on arrayed as an accused), wherein she stated that she has three sons and a daughter. Two of her sons had gone to Kuwait and one had gone to Greece. She has further stated that her younger son Deepak Raju had come to India on 08.06.2017 on leave. It is

alleged that her husband namely Madan Lal, aged about 60 years had retired from CISF about 5 years back and on 15.06.2017 he left home at about 10:00 p.m. on his motorcycle but when he did not return till night, she along with her son Deepak Raju and other neighbours looked for him. On the next day her husband Madan Lal was found dead on a road and was bearing several injuries on his face, head and other parts of the body. It is further the case of the prosecution that subsequently i.e. on 19.06.2017, the complainant Nirmal Kaur made a disclosure statement wherein she admitted that in fact her husband used to remain under depression and used to quarrel with the members of the family and sometime also used to give beatings to her as well as to her daughter Komal Raju. She further stated therein that she and her sons Deepak Raju and Princepreet Raju hatched a conspiracy to kill her husband and that pursuant to hatching of the said conspiracy Princepreet Raju had introduced Sukhdeep Singh to Deepak Raju and later Sukhdeep Singh introduced his friend Rashpal Singh to Deepak Raju so as to give effect to the conspiracy. It is further the case of the prosecution that an amount of ₹1,50,000/- was paid by Princepreet Raju to his brother Deepak Raju for the purpose of giving the same to the said two persons Sukhdeep Singh and Rashpal Singh for the purpose of getting their father murdered.

3. The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and would have no interest or any motive to eliminate the deceased and the

story of his having been paid money does not stand substantiated in any manner. It has also been informed that co-accused Nirmal Kaur, Sukhdeep Singh and Princepreet Raju have already been granted bail.

4. Opposing the petition, the learned State counsel has informed that since co-accused Nirmal Kaur had suffered disclosure statement, it is evident that a conspiracy had been hatched to eliminate Nirmal Kaur's husband and for which purpose an amount of Rs.1,50,000/- had been given to Sukhdeep Singh and Rashpal Singh. It has, however, been informed that the petitioner has been behind bars since last more than 1 year and 11 months and that as on date only 4 PWs out of cited 27 PWs have been examined so far.
5. Having considered the rival contention addressed before this Court and while bearing in mind that it is the case of the circumstantial evidence which is mainly based on the disclosure statement of the co-accused and also that the petitioner is in custody since the last more than 1 year and 11 months and that the trial is proceeding at snail's pace as only 4 PWs out of cited 27 PWs have been examined so far, in my opinion no useful purpose would be served by further detaining the petitioner behind bars.
6. Without commenting anything on merits of the case, the petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

7. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

04.06.2019
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No