

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8256-2018 (O&M)
Date of decision: 29.04.2019

Amarjit Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. P.P.S. Duggall, Advocate
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.188 dated 02.10.2017 under Sections 302, 148, 149 IPC and Sections 201/120-B IPC (added later on), registered at Police Station Sadar Jalalabad, District Fazilka.

Learned counsel for the petitioner relies upon the order dated 05.12.2017 passed in CRM-M-45458-2017, granting interim anticipatory bail to co-accused Harbans Kaur, which reads as under: -

“.....Counsel for the petitioner further submits that when the FIR was registered, the complainant has given names of few persons, who have allegedly committed a theft from her house and has further raised a suspicion over one Makhan Singh resident of village Dhandi Kadeem. Later on, 08.10.2017, a supplementary statement was recorded by the police in which another set of co-

accused persons i.e. one Nihal Singh, Sarpanch, petitioner-Harbans Kaur, Shinder Singh and Amarjit Singh were named with the allegations that she has come to know that in the night when Joginder Singh was found died, he has gone with Sarpanch Nihal Singh to Jalalabad.

Counsel for the petitioner further submits that there is no specific allegation against the petitioner in this statement and no motive was attributed to her. It is further submitted that vide Rapat Roznamcha No.48, dated 12.10.2017, recorded by Om Parkash Inspector/SHO, another statement of the complainant-Parveen Rani was recorded, in which, she has given yet another version that Jarnail Singh, R/o Bagge Ke Hithar, has murdered her husband.

Learned State counsel, on instructions from ASI Laljeet Singh, seeks some time to verify the DDR from the record of police station.

Considering the fact that the complainant has changed her version more than once and even in the statement dated 08.10.2017, no specific allegation or motive is attributed to the petitioner, who is an old widow lady, aged about 70 years; she is directed to join the investigation and in the event of arrest, she shall be released on bail subject to the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner submits that the petitioner was named by the complainant in her second statement, along with three persons namely Shinder Singh, Harbans Kaur and Nihal Singh, Sarpanch and these three co-accused have already been granted the concession of anticipatory bail, considering the fact that even subsequently, the complainant again changed her statement and in her third supplementary statement, she has named one Jarnail Singh, who has committed the murder of her husband. It is further submitted that the petitioner is in custody for the last about 01 year and 06 months and the

police has not submitted the supplementary challan and therefore, the trial is yet to commence.

Learned State counsel, on instructions from SI Davinder Kumar, has however submits that supplementary challan stands presented and statement of the complainant is yet to be recorded.

Without commenting anything further on merits of the case, considering the aforesaid circumstances and also considering the fact that three co-accused of the petitioner namely Shinder Singh, Harbans Kaur and Nihal Singh, who were named along with the petitioner, in the second statement, have already been granted the concession of anticipatory bail, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

29.04.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No