

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

225

CRM-M-33460-2019 (O & M)
Date of Decision:26.08.2019

Karj Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Piyush Sharma, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.52 dated 24.02.2017, under Section 365 IPC (later on Sections 302, 201 and 120-B IPC added), registered at Police Station Sadar Zira, District Ferozepur.

The FIR was registered on the basis of the statement made by Harjit Singh with the allegations that on 21.2.2017 his younger brother Gurjit Singh went outside after having meals in the night. Thereafter he made a call and informed the complainant that he was going with his friend and would come back in the morning. Thereafter his brother did not come back. Search was made to trace out the brother of the complainant but he was not found. Initially the FIR was registered under Section 365 IPC against unknown persons but after recording statement of another brother of deceased, namely, Kanwaljit Singh, who came to know from some secret sources that Gurjit Singh had been murdered as he was having illicit

relations with one Sarabjit Kaur and his body was disposed of and therefore, offences under Sections 302,201 and 120-B IPC were added.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in this case, whereas, he was neither named in the FIR nor any overt act was attributed to him. Initially the FIR was registered under Section 365 IPC against unknown persons but subsequently offences under Sections 302,201 and 120-B IPC have been added vide DDR No. 26 dated 5.3.2017 on the basis of statement made by brother (Kanwaljit Singh) of the complainant and deceased. Learned counsel further contends that statement of the complainant and his brother, namely, Kanwaljit Singh is contradictory to each other and there is no direct witness of the alleged incident. As per statement of the complainant, he was informed about the incident by his brother, whereas, his brother Kanwaljit Singh has stated that he was told by one Chand that there is a CD about the incident but the same has not been taken into consideration during investigation. The case is based on hearsay evidence and after presentation of challan, charges have also been framed. He further contends that similarly situated co-accused of the petitioner have already been granted regular bail by this Court.

On the other hand, learned State counsel assisted by ASI Harjinder has opposed the bail application on the ground of seriousness of the offence. However, it is not disputed that the co-accused of the petitioner have already been granted regular bail by this Court.

Considering the above background and the fact that the trial is likely to take some time, further detention of the petitioner may not be justified. Therefore, without meaning any expression of opinion on the

merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

26.08.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No