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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40964-2019

Date of Decision: 20.11.2019

Jagpal Singh @ Jagga and another

.. Petitioners

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Parampreet Singh Brar, Advocate for the petitioners.

Mr. Ramdeep Partap Singh, DAG, Punjab.

...

Manoj Bajaj, J.

Petitioners have filed this petition under Section 439 Cr.P.C. for grant of regular bail in a case FIR No.84 dated 20.07.2018, under Sections 302, 101 and 34 IPC (offence under Section 201 IPC added later on vide Rapat No.36 dated 22.07.2018), registered at Police Station Jaitu, District Faridkot. They are in custody since their arrest on 07.06.2019.

The FIR in the present case was registered on the statement made by complainant Mohinder Singh to the effect that on 13.05.2018, Angrej Singh called his son Jagsir Singh (deceased) at his house. On 14.05.2018, at about 8:30 AM, he received a message that dead body of his son Jagsir Singh was lying at Railway line, Romana Albel Singh. Thereafter, they went to the place of occurrence and after completion of proceedings under Section 174 Cr.P.C., postmortem of dead body was conducted. The complainant was suspicious that his son was murdered by Angrej Singh, his wife Sarabjit Kaur and Avtar Singh @ Tar by axe and dang blow as Angrej Singh was suspicious that his wife was having illicit

relations with his son Jagsir Singh.

Learned counsel for the petitioners contends that the case of the petitioners is similar to co-accused Makhan Singh (father of the petitioners), who has been granted interim pre-arrest bail by this Court vide order dated 29.01.2019 passed in CRM-M-693-2019. It is pointed out that the FIR was lodged against three accused persons, namely, Angrej Singh, Sarabjit Kaur and Avtar Singh @ Tar and after completion of investigation, a final report was submitted against these three accused persons. It is pointed out that upon an application given by Kuldeep Kaur wife of Avtar Singh, an enquiry was conducted, whereupon co-accused Makhan Singh and his two sons (petitioners) were indicted as accused. Learned counsel for the petitioners submits that the said enquiry is meaningless, particularly when the Enquiry Officer has not looked into the investigation conducted by Investigating Officer Ranjit Singh. He submits that the challan against the petitioners has been filed under Section 173(8) Cr.P.C. and application for pre-arrest bail was filed by their father Makhan Singh is pending before this Court.

On the other hand, learned State counsel assisted by Manjit Singh Dhesi, PPS, SSP, Faridkot does not dispute this fact that the co-accused of the petitioners has been extended the concession of interim pre-arrest bail and the case of the petitioners is at par with co-accused Makhan Singh.

Considering the above background, the custody period of the petitioners and the fact that the trial is likely to consume considerable time, this Court is of the opinion that further detention of the petitioners may not be justified. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular

bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

20.11.2019
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No