

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

CRM-M-50541-2019

Date of decision:4.12.2019

VIKAS

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Bhriugu Dutt Sharma, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.143 dated 17.9.2017 at Police Station Lambran, District Jalandhar under Sections 302, 376, 201 and 34 of Indian Penal Code.
2. The FIR came to be lodged at the instance of Dalip Dass Sharma, son of deceased, wherein it has been alleged that on 16.9.2017, he had arranged a get-together on the occasion of birthday of his son and had invited guests from his brotherhood living in nearby villages. The said party continued till 12:30 A.M. (night time). After the guests had left, the complainant realized that his mother Girja Devi was missing. However, the complainant and his brother thought that their mother had gone out to sleep with land lady of the house. However, since Girja Devi could not be

found even on the next day, they went to look out for her and located her dead-body lying near 'Bajra fields'. It is alleged that while the shirt of Girja Devi was found torn, her salwar and underwear were found missing and there were wounds with some sharp edged weapon on her face and there were other 'blunt injuries' as well. The complainant suspected that Chote Lal Dass, in an inebriated condition, had committed rape upon her mother and had murdered her.

3. The learned counsel for the petitioner has submitted that it is a case of blind murder and the petitioner has been falsely implicated in the present case. It has been submitted that the present case is a case based totally on circumstantial evidence and that the prosecution is mainly relying upon evidence in the shape of 'last seen' evidence, wherein it was found that one Swaran Singh had seen the petitioner in the company of deceased when the petitioner along with co-accused were quarreling with her and on 'extra judicial confession' allegedly made by accused before one Jarnail Singh. It is further submitted by learned counsel for the petitioner that co-accused of the petitioner have already been granted concession of regular bail by this Court vide order dated 10.09.2019.
4. The learned counsel has submitted that both the aforesaid witnesses namely Swaran Singh and Jarnail Singh have, however, been examined during the proceedings of the trial but none of them has supported the case of the prosecution and that in these circumstances, the petitioner deserves the concession of bail.
5. Opposing the petition, the learned State counsel has submitted that since the involvement of the petitioner is evident from the extra judicial

confession made by the accused including the co-accused of the petitioner, no case for grant of bail is made out. It has further been informed that the petitioner is in custody since 19.9.2017.

6. I have considered rival submissions addressed before this Court.
7. Undisputedly, the present case is a case of blind murder based on circumstantial evidence. However, neither Swaran Singh, who was witness of the 'last seen evidence', has supported the case of prosecution as he resiled from his earlier statement nor Jarnail Singh, before whom the accused had allegedly made extra judicial confession, has supported the case of prosecution as would be evident from their statements annexed with the petition as Annexures P-2 and P-3. The petitioners, in any case, have been behind bars since the last more than 2 years & 2 months.
8. Keeping in view the fact that two of the prime witnesses have not supported the case of prosecution and the trial in its normal course is not likely to be immediately concluded and the petitioner has been in custody since last more than 2 years & 2 months, further detention of the petitioner would not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
9. The present petition stands accepted accordingly.

(GURVINDER SINGH GILL)
JUDGE

4.12.2019
Gaurav Sorot

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