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

**CRM-M No.3958 of 2020
Date of Decision: 04.03.2020**

HARPAL SINGH @ BHALA

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Amit Arora, Advocate
for the petitioner.

Mr. J.S. Ghumman, D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.101 dated 23.06.2019, registered under Sections 302, 120-B IPC at Police Station Goindwal Sahib District Tarn Taran.

Vide order dated 04.02.2020, learned counsel for the petitioner sought time to place on record copies of disclosure statements of petitioner and his brother Charanjit Singh @ Chanan.

In compliance of the aforesaid order, learned counsel has placed on record disclosure statement of Charanjit Singh @

Chanan. No disclosure statement of the petitioner has been recorded by the prosecution.

The allegations are that the father of the deceased Sharanjit Kaur i.e. complainant has alleged that his daughter was married with Charanjit Singh i.e. brother of the petitioner. Charanjit Singh used to remain idle. Sharanjit Kaur used to go out for work. Her husband i.e. Charanjit Singh had suspicion about her character and he used to beat her. Charanjit Singh used to stop Sharanjit Kaur from going outside for work and on account of that the atmosphere in the house was not conducive.

The complainant further alleged that he used to provide some financial aid to his daughter. His daughter Sharanjit Kaur used to complain that her husband is having suspicion about her character because of that reason there used to be fight between Sharanjit Kaur, her husband. The present petitioner is also residing in the house. The allegations against the petitioner are that instead of stopping Charanjit Singh, he used to instigate him.

On 22.06.2019, in the evening at about 6.30 p.m., younger daughter of the complainant informed the complainant that Sharanjit Kaur had a fight with her husband and she had sent her children to her house. When the children went back in the evening, then on their disclosure, the sister of the deceased

visited the house of Sharanjit Kaur and found that she was lying dead. She was having marks of strangulation on her neck with a black coloured cloth.

Learned counsel further submitted that there is no eyewitness count of the occurrence. In fact the petitioner is residing separately and has nothing to do with the matrimonial affairs of his brother Charanjit Singh and deceased Sharanjit Kaur. The allegations are of abetting a crime by way of instigation. Petitioner is in custody since 15.09.2019.

Learned State counsel on instructions from ASI Gurinder Singh submitted that the complicity of the petitioner even on the basis of instigation cannot be ruled out. Challan has been presented and charges have been framed, but no prosecution witness has been examined so far. Trial of the case may take some time in its culmination.

The complicity of the petitioner on the basis of disclosure statement of the co-accused would be debatable as nothing has been recovered from the petitioner in pursuance of said disclosure statement.

At this stage, without adverting to the merits of the case, I am of the view that petitioner, who is in custody since 15.09.2019 can be enlarged on bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

March 04, 2020	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No