

222 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4506-2020

Date of decision-06.02.2020

Sarabjit Singh @ Raju

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amandeep Singh Rai, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner-Sarabjit Singh @ Raju has prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.127 dated 27.07.2017 registered under Section 302 read with Section 34 of Indian Penal Code, 1860 at Police Station Payal, District Ludhiana. The petitioner is in custody since his arrest on 29.07.2017.

The FIR was registered on the statement of statement of Anuradha (wife of deceased-Satpal) wherein it was alleged that on 26.07.2017, when complainant's husband was returning back from his shop, then Lovepreet Singh, Amarnath waylaid him and gave beatings also. Kulwinder Kaur, Krishna and Sarabjit Singh @ Raju (petitioner) who were present at the spot gave chappal blow on the head of Satpal. When victim raised noise, then Suresh Kumar, Shimla Devi and Mona tried to save victim but all accused persons forcibly took victim outside the village. After giving

beatings to complainant's husband, accused persons gave some poisonous substance in liquor to him. As a result, victim died. On these broad allegations, FIR was registered.

Learned counsel for the petitioner contends that as per the allegations, victim Satpal had eloped with Gurdeep Kaur and was brought back by complainant (wife of Satpal) a month before the alleged occurrence. He submits that the allegations in the FIR are against Ram Singh and others against whom a case was filed by the victim and Ram Singh was pressurizing him for compromise. He has invited the attention of the Court to order dated 06.11.2019 (Annexure P-7) whereby co-accused has been granted the concession of regular bail by this Court. According to him, the petitioner is alleged to have given *chappal* blows to the victim and, therefore, considering his role, further custody of the petitioner may not be justified.

While opposing the prayer, learned State counsel assisted by ASI Pavittar Singh contends that the offence is serious, therefore, petitioner does not deserve the concession of regular bail. However, it is not disputed that the accused-Ram Singh was found innocent during investigation and an application filed by prosecution for his summoning under Section 319 Cr.P.C has also been dismissed. It is pointed out that 07 prosecution witnesses have been examined out of total 19 witnesses.

Considering the above background, custody period of the petitioner who is behind the bars for the last more than two years, this Court is of the opinion that his further custody may not be justified as trial is likely

to consume considerable time to conclude. Apart from it, the prosecution has examined the material witnesses and the rest of the witnesses are official witnesses, therefore, there is no possibility of their being won over. Resultantly, 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.

06.02.2020

vanita

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No