

222 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9681-2020

Date of decision-13.03.2020

Harjinder Singh @ Jinda
Vs.

...Petitioner

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vipin Kumar Sharma, Advocate for
Mr. B.R.Rana, Advocate for the petitioner.
Ms. Monika Jalota, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner-Harjinder Singh @ Jinda has prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.52 dated 27.08.2019 registered under Sections 302 and 201 read with Section 34 of Indian Penal Code, 1860 at Police Station Samalsar, District Moga. The petitioner is in custody since his arrest on 27.08.2019.

The present FIR was registered on the statement of complainant Jagdev Singh wherein it was alleged that on 21.07.2014, his elder brother Makhan Singh (deceased) had left home without telling anyone and they searched him, but he could not be traced and then he got registered a DDR No.7 dated 02.08.2014 at Police Station Smalsar. He alleged that during inquiry, he came to know that his brother Makhan Singh had been murdered by Harjinder Singh @ Jinda (petitioner), Kattar Singh and Pritpal Singh @ Pirtha and they had thrown his dead body in a canal. On these broad allegations, FIR was registered.

Learned counsel for the petitioner contends that the petitioner

has been falsely implicated in the present case, which has been lodged after a long delay of 05 years. It is pointed out that the brother of the complainant went missing in July, 2014 and his dead body was found in a canal on 23.07.2014. The inquest proceedings were also carried out at that stage. He submits that petitioner is not involved in any other case. He has invited the attention of the Court to the order dated 09.01.2020 (Annexure P-2), whereby co-accused has already been granted the concession of regular bail. According to him, investigation of the case is complete, therefore, further custody of the petitioner may not be necessary.

On the other hand, learned State counsel assisted by SI Jagsir Singh opposed the prayer. However, it is not disputed that co-accused has already been extended the concession of regular bail. It is also not disputed that the investigation of the case is complete and petitioner is not involved in any other case.

Considering the above background and the fact that the trial will consume considerable time, this Court does not find any reason to further detain the petitioner, particularly when the investigation of the case is complete. 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.

13.03.2020

vanita

(MANOJ BAJAJ)
JUDGE

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