

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13261-2020 (O&M)

Date of Decision: October 12, 2020

SUKHDEEP SINGH AND ANOTHER

..... Petitioner(s)

Versus

STATE OF PUNJAB

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Pardeep Singh Mirpur, Advocate
for the petitioners.

Mr. B.S. Sewak, Addl. A.G., Punjab.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

The petitioners pray for grant of bail pending trial in FIR No.326, dated 14.10.2019 under Sections 302, 120-B, 34 IPC, registered at Police Station Sadar Mansa, District Mansa.

The FIR was registered on the statement of Jagtar Singh, who is the brother in law (Jija) of the deceased Amar Singh. It is stated in the FIR

that Amar Singh was the only brother of the complainant's wife. Amar Singh (deceased) was married with Paramjit Kaur about 27-28 years back and two sons i.e. present petitioners - Sukhdeep Singh and Mandeep Singh were born out of the wedlock. Amar Singh was the owner of 4 acres of land, but the wife and sons of Amar Singh had not given the lease money to Amar Singh. A dispute had arisen between the family members. Compromise was arrived at before the Panchayat of village Burj Hari. Thereafter, Amar Singh is stated to have lived with the complainant Jagtar Singh for quite a long time. Amar Singh is stated to have gone to his maternal village Gurne Kalan on 13.10.2019. The present petitioners, it is further stated, telephonically called the complainant and said that Amar Singh was defaming them amongst the relatives that they were not paying the lease money, therefore, they would break Amar Singh's legs and arms and bring him and that the complainant can go and lodge a complaint anywhere. On 14.10.2019, the petitioner - Sukhdeep Singh is stated to have called the complainant and informed that they had brought Amar Singh from village Gurne Kalan and he was found dead in the morning. On these allegations, the above said FIR was lodged.

Learned counsel for the petitioners argues that the petitioners have been wrongly and falsely implicated in this FIR because the FIR was registered merely on the basis of a suspicion raised by Jagtar Singh, who is the Jija of the deceased and uncle (Phuphar) of the petitioners. Mother of the petitioners, who was also arrayed as an accused, was found innocent. Learned counsel for the petitioners further argues that the complainant Jagtar Singh (PW-2), Sukhjot Kaur (PW-3), wife of Jagtar Singh/sister of Amar

Singh and Kamaljit Singh (PW-4), nephew of the deceased Amar Singh, have not supported the prosecution case. It is further contended that there is no other evidence on record to link the present petitioners with the commission of the offence. It is submitted that the present is a case of blind murder and the petitioners have been falsely roped-in. They are not involved in any other criminal case. It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State is unable to deny that the complainant, his wife, Sukhjeet Kaur and their son/nephew of the deceased, Kamaljit Singh have not supported the prosecution version. Learned counsel for the State is unable to point out any other evidence on record, at this stage, to link the present petitioners with the commission of the offence. Learned counsel for the State further verifies that the petitioners are not involved in any other criminal case. They have been in custody since 14.10.2019.

There is no allegation that the petitioners are likely to abscond or influence witnesses. Due to the situation created by outbreak of the pandemic COVID-19, trial in this case is not likely to be concluded in the near future. No useful purpose would be served by keeping the petitioners incarcerated any longer.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioners be released on bail pending trial subject to their furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/Duty Magistrate.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

12.10.2020
Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No