

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

CRM-M-13878-2020

Date of decision : June 16, 2020

Gurjit Singh @ Shakti @ Baka

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Ms. Jasneet Mehra, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

LISA GILL, J.

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

The petitioner prays for bail pending trial in FIR No. 136 dated 13.09.2019 under Section 460 IPC (Sections 302, 34 IPC added later) registered at Police Station Sadar Batala, District Gurdaspur.

It is submitted that the petitioner has been falsely implicated in this case merely on the basis of the alleged extra judicial confession made by the co-accused Bikramjit Singh alias Vicky and Manjit Singh alias Goldy on 14.09.2019 before Hartaj Singh. It is submitted that the present is a case of blind murder. There is no evidence on record to connect the present petitioner with the murder. The petitioner is in custody since 24.09.2019 and is not involved in any other criminal case. It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties.

FIR No. 136 was registered on the statement of Kashmir Singh

- brother of the deceased alleging that his brother Jagir Singh, aged

about 65 years old was unmarried and was living in a small house near the residence of his younger brother Waryam Singh. Jagir Singh used to do the labour work and was working in the fields of Hartaj Singh for the last two months. Hartaj Singh due to the absence of Jagir Singh came looking for Jagir Singh but found him lying near a cot in his courtyard. The complainant reached the spot and saw rope mark around the neck of his brother Jagir Singh as well as injuries caused with bricks on his head. It is stated that the clothes kept in the almirah of Jagir Singh were scattered and the money which Jagir Singh used to keep in the almirah, was not found. It is further stated that Jagir Singh had been killed by some unknown persons, who had also committed theft of money. Hartaj Singh on the next day i.e. 14.09.2020 recorded his statement that Bikramjit Singh alias Vicky and Manjit Singh alias Goldy had approached him and confessed before him that they alongwith the present petitioner - Gurjit Singh @ Shakti @ Baka had committed theft in the house of Jagir Singh at night of 12.09.2019. As Jagir Singh identified Vicky and started raising commotion, they murdered Jagir Singh. Bikramjit Singh alias Vicky and Manjit Singh alias Goldy were arrested on 14.09.2019 and on the basis of that extra-judicial confession made by them the present petitioner was arrested on 24.09.2020.

Learned counsel for the State, on instructions from SI Balwinder Singh, is unable to deny that there is no other palpable evidence on record against the petitioner except the extra judicial confession made by the co-accused before Hartaj Singh. It is further verified that the petitioner is not involved in any other criminal case. Final report under Section 173 Cr.P.C/challan stands presented. Learned counsel for the petitioner has

asserted that the complainant as well as Hartaj Singh stand examined before the learned trial Court.

There are no allegations on behalf of the State that petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

No useful purpose shall be served by keeping the petitioner incarcerated any longer. Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition.

Consequently, the petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned trial Court/Duty Magistrate, Gurdaspur.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

June 16, 2020
rts

(Lisa Gill)
Judge

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