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

CRM-M-14518-2020(O&M)

Date of decision : 15.09.2020

Amritpal Singh and another

..... Petitioners

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.Umesh Aggarwal, Advocate for the petitioners.

Mr.A.S.Sandhu, Addl.AG, Punjab.

TEJINDER SINGH DHINDSA, J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Petitioners seek regular bail pending trial in FIR No.129 dated 23.11.2019, under Section 302/34 IPC and Section 25/54/59 of Arms Act, 1959, registered at Police Station Khilchian, District Amritsar.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Narinder Singh. Deceased is Parminder Singh alias Raju i.e. son of the complainant. As per prosecution version deceased was doing work of driving a taxi. On 23.11.2019 at about 9.00 a.m. as per daily routine the deceased took the vehicle to taxi stand and from where he proceeded to a particular village to

drop passengers. The deceased having not returned till 8.45 p.m., the complainant along with one Captain Singh and Navtej Singh proceeded towards the taxi stand in his search. Complainant has asserted that when he along with his companions reached the ground of a Girls School then he saw the vehicle in question standing on the ground and the dead body of his son Parminder Singh lying in a pool of blood on the rear of the car with his throat slit with sharp edged weapon. FIR accordingly had been registered on the allegations that unknown persons have brutally murdered Parminder Singh alias Raju.

Perusal of the challan document would reveal that during the course of investigation one Gagandeep Singh son of Mangal Singh had informed that on 22.11.2019 he had visited the house of the deceased and thereafter he had gone to the bus stand/taxi stand, Tangra. As per Gagandeep Singh he had seen Parminder Singh in the company of the present petitioners and since the next morning he came to know that Parminder Singh had been murdered. He was of the firm belief that it is the present petitioners who have committed the crime.

Petitioners were arrested on 25.11.2019.

As per prosecution version based on confessional statement recorded of petitioner No.1 a knife was recovered and on the confessional statement of petitioner No.2 certain blood stained clothes were recovered. That apart as per challan document the call details of mobile phones of the deceased as also the present petitioners had been procured.

In the status report filed by the Senior Superintendent of Police, Amritsar Rural in the present case a motive is sought to be introduced by contending that petitioner No.1 had got married with one Parveen Kaur

about 2½ years back but the lady was in a friendly relationship with the deceased who inspite of having been made to understand to stop such telephonic contact did not desist and as such had been murdered.

In the challan document even though the call records of the mobile phones of the deceased and the present petitioners have been attached but the tower location records are not there so as to reflect the presence of the petitioners at the spot on the fateful; day.

The angle of motive has now been introduced in a status report filed in the regular bail petition. Such aspect is not even touched upon in the challan document.

It is a case of last seen evidence. Concededly Gagandeep Singh claimed to have seen the petitioners along with the deceased but does not talk about any altercation that may have occurred between the three of them. He in any case was not a witness to the crime.

Prima facie this Court finds many links missing in the chain of events and in the prosecution version.

Challan has already been presented and the trial is at the initial stage.

Trial would take time to conclude.

In an over view of the matter petitioners are held entitled to the benefit of bail.

Petitioners be enlarged on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, Amritsar.

It is, however, made clear that the observations contained in this order are confined only as regards considering the prayer of the petitioners

for grant of regular bail and would have no bearing on the trial.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

15.09.2020
sunita

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