

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

CRM-M-16343-2020

Date of decision: **13.10.2020**

HARMESH SINGH @ RESHAM SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Chandan Singh Rana, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

(Proceedings conducted through video conferencing).

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in a case registered against him vide FIR No.159 dated 17.9.2019 under Section 302 IPC amended to Section 304 IPC (later on), at Police Station Mehatpur, Distrcit Jalandhar.
2. The FIR was lodged at the instance of Ranjit Singh wherein he alleged that his son Jagjit Singh Jaggi left his house at about 8:30 p.m. on 16.9.2019 along with Gora but they did not return back. Although he and other members of his family searched for him but he could not be found. On the next day, he found the dead body of Jagjit Singh lying near Dhausi Dam and who was having serious injuries on his head. The complainant suspected that his son had been killed by Gora as there was some dispute amongst them regarding money as they used to do work of aluminium and

wood work together.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and has been nominated as an accused on the basis of a disclosure statement allegedly made by Gora, the veracity and admissibility of which would be debatable.
4. Learned counsel has further submitted that even as per the said disclosure statement, the only allegation is that Gora and the deceased Jagjit Singh after consuming liquor went to the house of the petitioner and got 'Heroin' from him and later they went off from that place on a motorcycle which met with an accident as a result of which the deceased lost his life. Learned counsel for the petitioner has submitted that even if the said statement is accepted to be correct, it cannot be said by any stretch of imagination that the petitioner intended to kill the deceased.
5. It has further been submitted that the medical evidence also does not connect the petitioner with the alleged murder of the deceased inasmuch as nothing has been found in the viscera examination and that the Doctor while opining about the cause of death expressed that no definite opinion could be expressed.
6. I have considered rival submissions addressed before this Court. Having regard to the fact that the petitioner has been nominated as an accused on the basis of disclosure statement made by the co-accused, the admissibility of which would be debatable and while also noticing that even as per the disclosure statement there is no direct allegation against the petitioner that he had killed the deceased and while also noticing that the petitioner has been behind bars since the last more than one year,

further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

13.10.2020
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No