

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

**CRM-M-16869 of 2020 (O&M)
DATE OF DECISION : 15.07.2020**

Baba Prem Nath

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Fatehjeet Singh, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

This is a petition for grant of regular bail to the petitioner in FIR No.48 dated 09.04.2016 under Sections 302/201/120-B/148/149 IPC registered at Police Station Mehatpur, District Jalandhar.

2. As per allegations in the FIR, complainant made a statement to the effect that his brother (since deceased) namely Makhsood Shah, was in the business of selling clothes. On 04.04.2016 at about 3.00 PM, Makhsood Shah had gone somewhere, on his motorcycle bearing registration No. PB-41-A-9708, but did not return. Accordingly, missing report was lodged by him. On 09.04.2016, a dead body was found in the pond of village Pargia Kalan, which was identified by the complainant as of his brother Makhsood Shah. The body was in very bad condition. The deceased was strangled with the help of electric wire. During investigation, accused Amandeep Singh made a disclosure statement that he along with co-accused Manjit Singh had committed murder of Makhsood Shah, after taking Rs.30,000/- from Abdul Rashid. The said co-accused Abdul Rashid made a confession statement

wherein he accepted having illegal relations with the wife of deceased Makhsood Shah. Abdul Rashid also disclosed that Makhsood Shah came to know about the illicit relationship and on that account, he settled the matter with Amandeep Singh, Manjit Singh and Prem Nath (petitioner herein) for a sum of Rs.40,000/- and committed murder of deceased Makhsood Shah. He further confessed that they took the deceased to village Bulanda, gave him beatings and strangled him with the help of electric wire. Manjit Singh gave base bat blow and Prem Nath (present petitioner) caught hold of the legs of deceased. After committing murder, they threw the dead body of deceased Makhsood Shah in a pond.

3. Learned counsel for the petitioner contends that petitioner was not named in the FIR. It was only in the disclosure statement of co-accused Amandeep Singh that name of the petitioner figured. He further contends that all the co-accused have already been granted the concession of bail by this Court. The petitioner is in custody since 13.04.2016. Challan has already been presented in the case.

4. Notice of motion.

5. Mr. Rana Harjasdeep Singh, DAG, Punjab, who has joined proceedings on service of advance copy of the petition, appears and accepts notice on behalf of State of Punjab and submits that challan has been presented.

6. I have heard learned counsel for the petitioner as also learned State counsel.

7. Challan has already been filed in the present case. No further custodial interrogation of the petitioner is required. Apart from that, I am of the view that petitioner is entitled to grant of regular bail on the ground of parity also. According to the prosecution version, the role attributed to the petitioner is on similar footing as those of the other co-accused who have been granted concession of regular bail by this

Court vide orders contained at Annexure P-2 (colly.). The trial is not likely to commence any time soon due to current pandemic conditions.

8. In the premise, the instant petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/Illaqa Magistrate/ Duty Magistrate.

JULY 15, 2020
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(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No