

CRM-M-18117-2020

Date of decision : July 28, 2020

MANJIT SINGH @ GOLDY

.....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. N.K. Vadhera, Advocate for the petitioner.

Mr. V.G. Jauhar, Sr.DAG, Punjab.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to 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 lateron) registered at Police Station Batala, District Batala.

It is submitted that the petitioner has been falsely implicated in this case, which rests completely on circumstantial evidence. The petitioner is sought to be implicated on the basis of an alleged extra judicial confession statedly suffered by him and co-accused Bikramjit Singh, before one Hartaj Singh, who has deposed as PW2 before the learned trial Court. Testimony of Hartaj Singh is attached as Annexure P3, with this petition. It is specifically stated by Hartaj Singh, that the present petitioner and Bikramjit Singh @ Vicky, did not come present before him and make any kind of statement regarding the murder of Jagir Singh . PW2 has been declared hostile. Learned counsel for the petitioner submits that PW3 Kashmir Singh - the complainant and brother of the deceased at the time of registration of the FIR had clearly stated that his brother Jagir Singh had been

killed by unknown persons. Even in the testimony before the learned trial Court PW3 Kashmir Singh has stated that the present petitioner was involved in the occurrence as per investigation conducted by the police. The allegation made by Kashmir Singh is also qua Bikramjit Singh @ Vicky and not qua the present petitioner. It is further contended that mere recovery of Rs.28,000/- from the petitioner cannot in any manner connect him with the offence in question. The petitioner, it is stated, is not involved in any other case and has been in custody for a considerable period of time. 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 petitioner is sought to be inculpated in this case on account of an extra judicial confession allegedly made by the petitioner alongwith Bikramjit Singh @ Vicky before Hartaj Singh on 14.09.2019. Admittedly, Hartaj Singh (PW2), has not supported the prosecution version before the learned trial Court. He has denied that the petitioner or the co-accused Bikramjit Singh @ Vicky suffered any extra judicial confession before him on 14.09.2019. It informed that thirteen (13) witnesses are yet to be examined in this case. Learned counsel for the State verifies that the petitioner is not involved in any other criminal case. Due to outbreak of the pandemic, COVID-19, not much progress is being made towards the conclusion of the trial.

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 before the trial 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 their furnishing requisite bail bonds and surety to the satisfaction of the learned trial Court/concerned Duty Magistrate.

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.

July 28, 2020
rts

(Lisa Gill)
Judge

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