IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

211-2

CRM-M-19566-2020
Date of decision: 12.10.2020

Charanjit Singh .....Petitioner

Versus

State of Punjab .....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. V.G. Jauhar, Sr. DAG, Punjab
for the respondent-State.

None for the complainant.

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ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of regular bail in case FIR No.75 dated 06.10.2019 registered at Police Station Qila Lal Singh, District Gurdaspur under Section 302 read with Section 34 of the Indian Penal Code, 1860 (for short, “the IPC”) and Sections 25 and 27 of the Arms Act, 1959 to which Sections 109, 115, 118, 119, 120-B, 182, 148 and 149 of the IPC were added lateron.

The above said FIR was registered on statement of Gurmeet Kaur who alleged that in the year 1994 she was married to Balvir Singh and one daughter Navjot Kaur and one son Ajay Pal Singh were born out of the wedlock. Balvir Singh died in an accident in 1997

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on which her in-laws solemnized her marriage with his younger brother Jaswant Singh in the year 1999 and one daughter Prabhjot Kaur and one son Amritpal Singh were born out of the said wedlock. On 06.10.2019 at about 08:30 P.M. somebody called her husband Jaswant Singh from outside on which her husband went out. On hearing noise of firing, she sent her son Amritpal Singh to call neighbour Sukhdev Singh and due to fear she did not go out. After 3/4 minutes Sukhdev Singh called from outside that somebody had caused injuries to Jaswant Singh. Thereupon she went outside and their neighbour Amarbir Singh told her that he had seen two motorcycles going from the spot and he heard the noise of firing. She along with Jagroop Singh, Amarbir Singh and Sukhdev Singh took her husband to Civil Hosital, Batala where he was declared brought dead. Pursuant to registration of above said FIR the police investigated the case and on investigation filed challan against Gurmeet Kaur, Charanjit Singh (the petitioner), Balkar Singh, Harpal Singh, Amritpal Singh and Harvinder Singh.

The petitioner, who is in custody since his arrest on 27.12.2019, has filed the present petition for grant of regular bail.

The petition has been opposed by learned State Counsel in terms of reply filed by way of affidavit of Balbir Singh, PPS, Deputy Superintendent of Police, Sub Division Fatehgarh Churian, Police District Batala in CRM-M-25788-2020 copy of which is also taken on record in the present case.

Learned State Counsel has filed custody certificate of the petitioner through e-mail print out of which is taken on record.

I have heard learned Counsel for the petitioner and learned

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State Counsel and gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case on the basis of third disclosure statement of co-accused Gurmeet Kaur. Initially the FIR was registered on statement of co-accused Gurmeet Kaur. Subsequently, Gurpeeet Kaur was arrested as price accused on the allegations of having murdered her husband Jaswant Singh in conspiracy with her paramour. Co-accused Gurmeet Kaur made extra-judicial confession on 22.12.2019 that she along with Jatinder committed murder of Jaswant Singh. Thereafter, she made disclosure statement on 24.12.2019 that she along with her neighbour Balkar Singh @ Baba with whom she was having illicit relations committed murder of Jaswant Singh. Thereafter, on 27.12.2019, she disclosed that she and the petitioner were having illicit relations and Jaswant Singh was murdered through Balkar Singh with the help of other unknown persons. There is no cogent, direct or circumstantial evidence against the petitioner. No recovery of any material object was made from the petitioner. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 and no useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has submitted that the petitioner was having illicit relations with co-accused Gurmeet Kaur and the petitioner along with his other co-accused murdered Jaswant Singh. In view of nature of accusation and gravity of the offences, the petitioner does not deserve grant of regular bail.

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Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation against the petitioner, who was named in the disclosure statements of co-accused Gurmeet Kaur, apparently there being no direct evidence against the petitioner and challenge to circumstantial evidence against him coupled with the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19, but without commenting on the merits of the case as the same may prejudice either of the parties, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

12.10.2020 (**ARUN KUMAR TYAGI**)
Vinay **JUDGE**

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

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