

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

**CRM-M No.20054 of 2019 (O&M)
Decided on: 14.01.2020**

Malkit Chand @ Raman and another

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Kamal Narula, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioners under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.12 dated 14.01.2018, for offence punishable under Sections 302/120-B of the of the Indian Penal Code, 1860 (in short 'IPC'), registered at Police Station Sadar Fazilka, District Fazilka.

Counsel for the petitioners has argued that as per the allegations in the FIR, registered at the instance of Ram Lubaya, his elder sister Sukhwinder Kaur was married to Jaspal Chand and was residing in village Muhar Khewa, Police Station Sadar Fazilka. She was not having any child and his brother-in-law Jaspal Chand was died in the year 2011. The co-accused Santosh, wife of Chiman Lal, sister of Jaspal Chand, by showing a right over the 07 acres of land registered an FIR No.205 dated 25.12.2012 under Section 420 IPC against his sister Sukhwinder Kaur and the complainant – Ram Lubaya, in which both of

them were arrested and later on, released on bail and were ultimately acquitted by the Court on 12.04.2016. The said case was pursued by Santosh Rani along with her villagers Janak Singh, Bashir Singh, Khan Singh, Narinder Singh, residents of Muhar Khewa. It is further stated in the FIR that on 14.01.2018, he received an information that Sukhwinder Kaur has been murdered in his house and the offence was committed by Santosh Rani, Bashir Singh, Janak Singh, Khan Singh and Buta Singh and some unknown persons as the motive behind the occurrence is that Santosh Rani wanted to grab the 07 acres of land belonging to his sister Sukhwinder Kaur.

Counsel for the petitioners has further argued that later on, on the supplementary statement of Ram Lubaya, the petitioners were also nominated without attributing any motive. Counsel for the petitioners has relied upon the statement of Ram Lubaya, who has appeared as PW2 in which he has given the first version as given in the FIR and later on, he has stated that the murder of his sister was committed by Santosh Rani in connivance with all the 05 above-mentioned persons as well as the petitioners –Malkit Chand and Harjinder Kumar.

Counsel for the petitioners has also submitted that neither the petitioners are related to Santosh Rani nor they have any motive to commit the offence which is to be seen during the course of trial. It is further submitted that the petitioners are in custody since 13.03.2018 and only 06 PWs have been examined out of 14 PWs and since the statement of the complainant is already recorded, there is no possibility for the petitioners to tamper with the prosecution evidence.

Counsel for the State, on instructions from ASI Manjit Singh, has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioners are in custody since 13.03.2018, out of 14 PWs, only 06 PWs (including the complainant) have been examined, so far and the conclusion of the trial will take some time, this petition is allowed and the petitioners are directed to be released on bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioners, in case they are found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

14.01.2020

yakub

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No