

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

**CRM-M-22843-2020
Date of decision: 15.12.2020**

Jagjit Singh @ Jajji

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Ms. Satwant Mehta, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 42 dated 22.03.2019, registered under Sections 302, 201 of the IPC and Sections 203, 182, 506, 34 of the IPC and Section 25 of the Arms Act, 1959 (added later on) at Police Station Sadar Patti, District Tarn Taran.

Status report, by way of affidavit of DSP, Sub Division Patti, District Tarn Taran, is filed in Court today.

Learned counsel for the petitioner submits that initially the FIR was registered against unknown persons on the statement of Jagroop Singh son of deceased Lakhbir Singh with the allegations that he and his brother Jagjit Singh @ Jajji (petitioner) are twins and his father Lakhbir Singh was serving in BSF and the family is in agricultural business. On 19.03.2019, father of the complainant was on leave and had gone somewhere along with some person but did not come back. Later on, the family was searching for him and got an information that dead body of a person is lying over a canal

bridge with multiple injuries. Thereafter, during investigation, the police recorded the statement of Mukhtiar Singh that his son Lakhbir Singh (deceased) had altercation with his sons namely Jagroop Singh/complainant and Jagjit Singh @ Jajji/petitioner and due to this, they had committed his murder by gun shot.

Learned counsel for the petitioner further submits that Jagroop Singh and petitioner Jagjit Singh @ Jajji were arrested on 30.03.2019 and later on, Jagroop Singh, who was informant in the FIR, was made an accused.

Learned counsel further submits that six prosecution witnesses have already been examined and in the examination-in-chief of PW-1 Mukhtiar Singh, who is the father of deceased Lakhbir Singh, it is stated that he does not know who had committed murder of Lakhbir Singh. This witness was declared hostile by the public prosecutor and in the cross-examination, he even denied having made any statement before the police in this regard.

Learned counsel for the petitioner has referred to statement of PW-3 Paramjit Kaur, wife of deceased Lakhbir Singh, who has also not supported the prosecution version and was declared hostile.

Learned counsel for the petitioner has further referred to statement of PW-4 Major Singh, who has also not supported the prosecution version. Similar is the statement of PW-7 Gurdial Singh, before whom the petitioner and Jagroop Singh have allegedly made an extra judicial confession, who has also not supported the prosecution version.

Learned counsel further submits that in view of the fact that all the star witnesses have not supported the prosecution version, the petitioner

may be enlarged on regular bail as he is in judicial custody since 30.03.2019 and since only official witnesses are left to be examined, there is no possibility for the petitioner to tamper with the evidence.

Learned State counsel, on the basis of the aforesaid affidavit, has not disputed the factual position but opposed the bail.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions of learned counsel for the parties, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

15.12.2020

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No