

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

**Sr.No.207**

**CRM-M No.23007 of 2020**

Date of Decision: 22<sup>nd</sup> September, 2020.

Prabhjot Singh @ Jyoti

...Petitioner

Versus

State of Punjab

...Respondent

***(Heard through Video-conferencing)***

**CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present: Mr. Kuldeep V.Singh Ahluwalia, Advocate,  
for the petitioner.

Mr. Dhruv Dayal, Sr.DAG, Punjab,  
for the respondent-State.

Mr. Jasraj Singh, Advocate,  
for the son of the deceased-victim.

**MEENAKSHI I. MEHTA (ORAL)**

This is the first application as moved by the above-named petitioner for seeking regular bail in the criminal case registered at Police Station, Garhdiwala, District Hoshiarpur, on 06.12.2017 vide FIR No.75 under Sections 302, 506, 148, 149, 120-B IPC and Section 25 of the Arms Act, 1959.

Custody-certificate of the petitioner, as received through email, is taken on the record wherein he is shown to have undergone the custody for a period of 01 year, 07 months and 12 days (as on 21.09.2020) in the present case. The petitioner is also reported to be involved and facing trial in as many as 09 cases besides the present case and to have been acquitted in 01 case.

Mr. Jasraj Singh, Advocate, has appeared on behalf of Arshdeep Singh, the son of the deceased, in this case and his power of attorney, as received through email, is also taken on the record.

The affidavit of Mr. Daljit Singh, Deputy Superintendent of Police, Tanda, District Hoshiarpur, as submitted in compliance of the order dated 20.08.2020, has been received through email and the same is also taken on the record.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case because of the previous enmity continuing between the petitioner and the complainant party since long and as per the said affidavit, the only material, as collected against the petitioner is, his own confessional statement regarding the alleged occurrence in the case in hand and he was not even present at the spot at the time of the said occurrence. He further contends that the petitioner has been in custody since long and Challan has already been presented in this case and therefore, he deserves to be enlarged on bail.

However, learned State counsel, assisted by learned counsel for the son of the deceased/victim, argues that as per the custody-certificate, the petitioner has a chequered criminal track record and presently, he is facing trial in as many as 09 more cases besides this case. He also points out that the petitioner had been declared a proclaimed offender in the instant case and had been arrested from Abu Dhabi with the intervention of the Interpol and moreover, FIR No.62 dated 21.08.2017 had also been registered against the petitioner with the allegations of attempting to commit the murder of Amrik Singh (the deceased in the present case) and finally, the petitioner and his co-accused succeeded in their evil design by killing the said victim and in

these circumstances, this petition deserves dismissal.

As per the depositions as made by the Deputy Superintendent of Police concerned in Para No.7 of his above-mentioned affidavit, the petitioner had suffered a statement during the investigation of the present case wherein he confessed that he and his brother Jang Bahadur had arranged for the murder of the victim with the help of their co-accused to take revenge of the murder of his brother Nishan Singh @ Shana and Satnam Singh Sarpanch. This statement can not be brushed aside at this stage while deciding this petition and rather, the evidentiary value thereof can be looked into and ascertained at the appropriate stage, i.e at the final stage of the trial after both the parties conclude their evidence.

As regards the contention that the petitioner was not present at the spot at the time of the alleged occurrence, it is worth-while to mention here that even in the FIR, there is no allegation regarding the petitioner being present at the spot at that time and rather, as per the allegations as levelled therein, he and his brother had arranged the contract killing of the victim by paying money to their co-accused. Even otherwise, the factum of the extent of participation and the role of the petitioner in commission of the alleged crime, despite his being not present at the spot, can be determined at the time of final decision of the case.

Further, the mere fact that the petitioner has been in custody in this case for more than one year and seven months, in itself, does not suffice at all to extend the benefit of grant of bail to the petitioner specially in the circumstances when as specifically deposed in Paras No.6 and 7 of the above-said affidavit, he was initially declared to be a proclaimed offender in the present case and was arrested on 07.02.2019 from Abu Dabhi and is reported

to be facing trial in as many as 09 more cases besides the present case and said FIR No.62 was also registered against him and several other persons on 21.08.2017 at Police Station, Garhdiwala, District Hoshiarpur, under Sections 307 read with 120-B, IPC and Section 25 of the Arms Act, 1959 with the allegations of having attempted to commit the murder of Amrik Singh, i.e. the deceased-victim in the instant case.

As a sequel to the fore-going discussion, it follows that this petition deserves dismissal. Resultantly, the same is hereby dismissed.

(MEENAKSHI I. MEHTA)  
JUDGE

22.09.2020.  
seema

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|----------------------------|--------|
| Whether speaking/reasoned? | Yes/No |
| Whether Reportable?        | Yes/No |