

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

CRM-M-22582-2020

Date of Decision:28.09.2020

Baljeet Singh

.....Petitioner

Vs.

State of Punjab

....Respondent

CRM-M-25295-2020

Gurmeet Singh

.....Petitioner

Vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present:- Mr. J.K.Singla, Advocate,
for the petitioner in both the petitions.

Mr. A.P.S.Gill, DAG, Punjab.

Mr. L.S.Sidhu, Advocate
for the complainant.

AMOL RATTAN SINGH, J. (Oral)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By these petitions, the petitioners seek the concession of 'regular bail', under the provisions of Section 439 Cr.P.C., upon FIR No.50, dated 14.06.2017, having been registered at Police Station Jhunir, District Mansa, alleging therein the commission of an offence punishable under Section 346 of the IPC (with Sections 302, 201 and 34 of the IPC added later), but with

Section 346 IPC deleted, vide Rapat no.24 dated 11.11.2019, registered at the same police station.

On 04.09.2020, the following order had been passed:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

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Learned counsel for the petitioner as also learned counsel for the complainant having addressed arguments, learned counsel for the petitioner submits that as a matter of fact for 2 years the complainant made no allegation against the petitioner, the allegations being against completely other persons and in fact with enquiries also conducted pursuant to such complainants made.

Learned counsel for the complainant on the other hand submits that the report under Section 173 Cr.P.C. states that the petitioner confessed to having killed Amandeep Singh, and thereafter, recoveries pursuant to his confessional statement were also made.

Learned State counsel would go into the matter in detail and address arguments in the light of submissions made, with it of course to be noticed by this court that the trial court has recorded that no further progress in the trial could take place due to the Covid-19 pandemic, with all 23 prosecution witnesses still to be examined.

Adjourned to 22.09.2020.

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Learned counsel for the petitioner submits that as regards the petitioner in this petition, i.e. Gurmeet Singh, in fact even no recovery has been made from him.

Naturally, learned State counsel would go into that aspect also and address arguments.

Adjourned to the aforesaid date, i.e. 22.09.2020.

A photocopy of this order be placed on the file of the connected case.”

The learned State counsel submits that the reason for the delay in lodging of the FIR as regards the commission of an offence punishable under Section 302 IPC, was because initially the mother of the deceased, Amandeep Singh, had simply stated that her son was missing and though she did not suspect any particular person she said that he may have been detained on account of greed for his land.

Thereafter, the wife/former wife (with a *Panchayati* divorce stated to have been entered into as per the mother of deceased), also registered a complaint, to the effect that it was the petitioners and their father who had actually killed the deceased due to greed of land, they being his co-laterals; and in fact the present petitioners had threatened that she should withdraw her complaint failing which she too would be killed, just as Amandeep Singh had been killed, by throwing him into the Bhakra canal.

Learned State counsel further submits that from petitioner Baljeet Singh, a gold ring belonging to the deceased and a wallet with the Aadhar card of the deceased, were recovered, but no recovery was made from petitioner Gurmeet Singh.

Upon query he submits that Baljeet Singh has been in custody for 10 months and 7 days and Gurmeet Singh for 10 months as per the custody certificate furnished to him, and that the trial is actually still to commence.

Learned counsel for the complainant (wife/ex-wife of the deceased) submits that the allegations against the petitioners being what they are, with them having thrown the deceased into the Bhakra canal thereby leading to his death, they do not deserve to be admitted to bail.

He further submits that petitioner Baljeet Singh also made an extra-judicial confession before the Sarpanch of the village that he and his co-accused had committed the murder.

Having considered the matter, looking at the above contentions, without making any comment on the actual merits of the case, also looking at the fact that the petitioners have been in custody about 10 months each, with the trial still to commence, in my opinion the petitioners need to be admitted to

bail, with an extra-judicial confession generally considered to be a weak piece of evidence.

Consequently, the petitions are allowed and the petitioners are ordered to be admitted to bail, upon them furnishing adequate bail and surety bonds to the satisfaction of the trial court/CJM/Duty Magistrate, concerned.

It is again reiterated of course that the observations made hereinabove will in noway reflect upon the merits of the case during the course of trial or, naturally, the decision to be reached by the trial court.

A photocopy of this order be placed on the file of the connected case file.

September 28, 2020

dharamvir/

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO