

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M- 25830 of 2020

Date of Decision: 11.09. 2020

Rajinder Singh alias Thind

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Ranbir Singh Sekhon, Advocate
for the petitioner(s).

Ms. Monika Jalota, Deputy Advocate
General, Punjab for the respondent.

Anil Kshetarpal, J.

On 08.09.2020, the following order was passed by this Court:

“The petitioner prays for grant of bail pending trial in a criminal case arising from FIR No.102 dated 5.8.2019, registered under Section 302, 201, 34 IPC at Police Station Makhu, District Ferozepur.

As per the case of the prosecution, Smt. Baljeet Kaur alongwith her paramour and another Sukhwinder Singh, has murdered first informant's father. The first informant is daughter of Smt. Baljeet Kaur.

Learned counsel for the petitioner contends that the corpus of the alleged deceased - Sarwan Singh has never been recovered. He further submits that there is no admissible evidence against the petitioner.

On the other hand, learned counsel for the State prays for some time to seek instructions.

Adjourned to 11.9.2020”.

Ms. Monika Jalota, Deputy Advocate General, Punjab, on instructions of Sub Inspector Lal Singh, has admitted that the corpse of the alleged deceased Sarwan Singh has not been recovered. On a pointed Court question, she admitted that but for the statement of the first informant to the effect that her mother has killed her father with the help of the other accused, there is no further evidence to support thereof. She further submitted that as far as the substantive evidence of the prosecution is concerned, the prosecution has only the statement of the first informant.

The petitioner is in detention for a period of more than 1 year and 1 month approximately.

Ms. Monika Jalota, Deputy Advocate General, Punjab, on the instructions, has admitted that the petitioner does not have any criminal antecedents.

Keeping in view the aforesaid facts and without commenting on the merits of the case, this Court considers it appropriate that further incarceration of the of the petitioner, at this stage, shall not be justified. The petitioner has also suffered enough detention pending trial. The conclusion of the trial is likely to consume a lot of time as only one prosecution witness has been examined whereas the second witness was partially examined when, due to the spread of the novel corona virus, the normal working of the Courts became difficult.

In view of the above, the present petition is allowed and the

petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate.

(Anil Kshetarpal)
Judge

September 11, 2020
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No