

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

**CRM-M No.28703 of 2020
Date of Decision : 12.11.2020**

Gurjit Singh alia Jhaau

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Jagraj S. Khiva, Advocate
for the Petitioner.

Mr. B.S. Sewak, Addl. Advocate General, Punjab
for the Respondent/State.

SUDIP AHLUWALIA, J. (ORAL)

The instant Petition has been filed under Section 439 of the Code of Criminal Procedure seeking Regular Bail on behalf of the Petitioner in case FIR No.200, dated 24.11.2019, registered under Sections 302, 34 of the Indian Penal Code, at Police Station City-I, Mansa, District Mansa.

2. Perused the Affidavit of the Deputy Superintendent of Police, Sub-Division Mansa along with R1/T, which is copy of Statement of Maghar Singh, which was specifically called for by the Court earlier on 23rd September, 2020.

3. Perusal of the same goes to show that the present Petitioner along with the co-accused persons, namely Jashan Singh and Raju Singh

had allegedly made an Extra Judicial Confession before the Witness-Maghar Singh, who happens to be the husband of the Municipal Councillor of the Local Ward No.25, and whose help those three persons had allegedly sought for ensuring that they may not be subjected to any beating by the Police, if they were to be handed over to the Police through the said Witness. Statement of the aforesaid Witness, namely Maghar Singh was recorded under Section 161 of the Cr.P.C. In addition, Ld. Counsel for the State has also submitted that Sarabjeet Singh brother of the deceased had similarly given a Statement that he had seen his deceased brother to be going with the present Petitioner on the last day.

4. Ld. Counsel for the Petitioner contends that no reliance can be placed upon the Statements under Section 161 of the Cr.P.C. and veracity of the same can only be verified when the concerned Witnesses actually appear and stand by the same before the Trial Court, and that in any case the Statement of Sarabjeet Singh, who is brother of the deceased cannot be regarded as that of any independent Witness.

5. This Court is not in agreement with the aforesaid submission made on behalf of the Petitioner. Suffice it to say, for the purpose of deciding his Bail Application, this Court is to basically see whether the material collected during investigation does actually raise

a reasonable belief of the involvement of the accused in the alleged occurrence, which at this stage cannot be simply brushed aside considering the gravity of the offence involved i.e. murder of the victim.

6. As such, no ground is made out to release the Petitioner on bail at this stage.

7. Dismissed.

November 12, 2020

Dpr

(SUDIP AHLUWALIA)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No