

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

CRM-M No.29897 of 2020 (O&M)

Decided on: 01.10.2020

Amritpal Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. B.S. Sodhi, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this 3rd petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.347 dated 25.12.2017, for offence punishable under Sections 302/201 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station City Mandi Dabwali, District Sirsa.

The earlier two petitions were dismissed as withdrawn.

Counsel for the petitioner has submitted that the new ground for filing this petition is that the main accused namely Sukhpal Kaur, against whom the allegations are of involving the petitioner and the co-accused Komaldeep Singh @ Happy, for committing the murder of deceased Buta Singh, have already been granted the concession of regular bail.

Counsel for the petitioner has argued that Sukhpal Kaur was granted bail by this Court vide order dated 11.10.2018 passed in CRM-M No.31952 of 2018 and Komaldeep Singh @ Happy was

granted regular bail vide order dated 10.01.2019 passed in CRM-M No.56797 of 2018. It is further submitted that as per the allegations in the FIR, Sukhpal Kaur informed the police that her land measuring 1 1/2 acres was got transferred by the deceased Buta Singh from her son by playing fraud and therefore, she has a grudge against the deceased Buta Singh and in that process, she hatched a conspiracy to eliminate the deceased Buta Singh and thereafter, Sukhpal Kaur contacted Satpal Singh @ Giani, Paramjeet Kaur and the petitioner – Amritpal Kaur. Counsel for the petitioner has further submitted that the petitioner was arrested on the basis of the disclosure statement made by the co-accused – Sukhpal Kaur, who has already been granted the concession of regular bail.

Counsel for the petitioner has further argued that the petitioner is in custody since 02.01.2018 and though, the trial is at the advanced stage, however, considering the long custody of the petitioner and the allegations against him, he may be granted the concession of regular bail. Lastly, it is submitted that trial is moving at a very slow pace due to COVID-19 situation in the country.

In reply, counsel for the State could not dispute that two of the co-accused of the petitioner including Sukhpal Kaur, have already been granted the concession of regular bail.

The operative part of the order dated 11.10.2018 passed by this Court in CRM-M No.31952 of 2018, reads as under:-

“The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.347 dated 25.12.2017, registered under Sections 302, 201, 120-B, 204, 34 IPC at

Police Station City Mandi Dabwali, District Sirsa.

It has been submitted that deceased Butta Singh had died in mysterious circumstances and the FIR has been registered against unknown persons.

Learned State counsel has submitted that there was a telephone conversation between deceased, Paramjit Kaur and petitioner Sukhpal Kaur. Learned State counsel has admitted that no other evidence against the petitioner is available on record.

Heard. The rope has been recovered from co-accused Amritpal Singh. The challan has already been submitted. The petitioner is stated to be in custody since 01.01.2018. The trial of the case will take long time. No useful purpose will be served by keeping the petitioner in custody any further.

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner Sukhpal Kaur is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

(a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.

(b) In the event of her absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel her bail bond and surety bond and proceed to procure her presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.

(c) She shall not leave the country without the previous permission of the Court.”

Thereafter, considering the aforesaid facts, another co-

accused of the petitioner namely Komaldeep Singh @ Happy was also granted the concession of regular bail.

Counsel for the State has also submitted that all the 24 prosecution witnesses have been examined and the case before the trial Court is now fixed for 14.10.2020 for recording the statement of the accused under Section 313 Cr.P.C. and then, they will have a right to lead the defence and thus, it will take some in conclusion of the trial.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 02.01.2018; challan stands presented; the custodial interrogation of the petitioner is not required; the co-accused of the petitioner including Sukhpal Kaur have already been released on regular bail; all the 24 prosecution witnesses have been examined and the conclusion of the trial will take long time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

01.10.2020
yakub

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No