
Gurmail singh v. State of Punjab

Present: Mr. J. K. Singla, Advocate,
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab

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.

Learned counsel for the petitioner points to the order passed by this court on September 28, 2020 in CRM-M nos.22582 and 25295 of 2020, in which, after reproducing the previous order passed on 04.09.2020, it was observed as followed by this court:-

“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.”

He submits that the present petitioner is in fact the father of the other two co-accused and that he is not differently placed from them.

Upon query to learned State counsel, though he otherwise opposes the grant of bail to the petitioner, he does not deny that the petitioner is not differently placed to the other two co-accused (his sons).

That being so, without making any comment on the actual merits of the case, the petition is allowed, with the petitioner ordered to be admitted to bail to the satisfaction of the trial court/CJM/Duty Magistrate concerned.

November 04, 2020
dinesh

(AMOL RATTAN SINGH)
JUDGE