

IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

SANJIV KUMAR SHARMA
2020/12/14 16:27
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CRM-M-38119-2020

Date of decision : 14.12.2020

Parshotam Singh alias Leela

..... Petitioner (s)

Versus

State of Punjab

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. J.S. Sandhu, Advocate
for petitioner.

Mr. Sukhbeer Singh, DAG Punjab.

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HARINDER SINGH SIDHU, J.

The case is taken up through video conferencing on account of COVID 2019.

This is a petition filed under Section 439 Cr.P.C. for grant of bail in case FIR No. 203 dated 25.11.2018, registered under Sections 407, 34 IPC (Sections 302, 364, 120 B, 201, 379, 342 IPC added later on) at Police Station Sadar Dhuri, District Sangrur.

FIR was registered initially on 25.11.2018 at Police Station Sadar Dhuri, District Sangrur on the complaint of one Harpreet Singh who stated that he had engaged Balwinder Singh as a driver for his trolly. On 18.11.2018, trolly was loaded with 480 bags of paddy each weighing 50 kg for delivering the same to KRBL Factory, Bhasaur. Balwinder Singh was accompanied with his nephew Pargat Singh. The complainant spoke to Balwinder Singh on his mobile on 19.11.2018 when he was informed that they have reached Bhasaur. On 20.11.2018, Balwinder Singh again informed the complainant that he was standing outside KRBL Factory, Bhasaur and their turn for unloading the paddy has not come. When complainant tried to speak to Balwinder Singh on 21.11.2018, his mobile was switched off. The complainant went to KRBL Factory, Bhasaur but he could not locate trolly or Balwinder Singh. As he was unable to locate his trolly, FIR under Section 407 IPC was recorded. On 22.11.2018, trolly alongwith Pargat Singh was found. The dead body of Balwinder Singh was found on 29.11.2018.

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On 14.3.2020, complainant Harpreet Singh recorded supplementary statement in which he alleged that he had made inquiries from his friends and relatives and came to know that Balwinder Singh has been murdered by Avtar Singh alias Tari, Satvir Singh alias Bagga after kidnapping him alongwith his trola in connivance with Parshotam Singh alias Leela (petitioner) and Binder Singh alias Nikka. They took the trola and sold the paddy loaded in trola.

Avtar Singh and Satbir Singh were arrested on 12.3.2020. Their statements were recorded on 14.3.2020 in which they admitted that they have murdered Balwinder Singh alongwith 4 other co accused.

Learned counsel for petitioner has argued that petitioner is not named in FIR. Supplementary statement was recorded after 2 years of alleged incident. In his supplementary statement, complainant has not disclosed any material on the basis of which he has concluded that Balwinder Singh had been murdered by Avtar Singh and other co accused. He states that other than supplementary statement and disclosure statements of co accused Avtar Singh and Satbir Singh, there is no material to connect petitioner with crime.

Petitioner is handicap. His left leg below knee is amputated. He is 65 years of age. Petitioner is in custody since 14.3.2020. The trial of case has not made any headway because of COVID 2019.

In view thereof, no useful purpose will be served by detaining petitioner behind bars till the conclusion of trial. Accordingly, petition is allowed. Petitioner Parshotam Singh alias Leela is ordered to be released on bail on her furnishing bail and surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(HARINDER SINGH SIDHU)
JUDGE

14.12.2020

sjks

Whether reasoned order : Yes / No

Whether reportable : Yes / No