

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45842-2019

Date of Decision: 09.01.2020

Kattar Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. B.R. Rana-I, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. A.S. Brar, Advocate for the complainant.

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Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.52 dated 27.08.2019, under Sections 302, 201 and 34 IPC, registered at Police Station Samalsar, District Moga. He is in custody since his arrest on 25.08.2019.

The present FIR was got registered by complainant Jagdev Singh on the allegations that on 21.07.2014, his elder brother Makhan Singh (deceased) had left home without telling anyone and they searched him, but he could not be traced and then he got registered a DDR No.7 dated 02.08.2014 at Police Station Smalsar. He alleged that during inquiry, he came to know that his brother Makhan Singh had been murdered by Harjinder Singh @ Jinda, Kattar Singh and Pritpal Singh @ Pirtha and they had thrown his dead body in a canal.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the FIR, which has been lodged after a long delay of 05 years. It is pointed out that the brother of the complainant went

missing in July, 2014 and his dead body was found in a canal on 23.07.2014 and the inquest proceedings were also carried out at that stage. He submits that the petitioner is in custody since 25.08.2019 and is not required for any investigation, which is complete as the challan against him has been filed. He submits that the challan is founded on the basis of an extra judicial confession allegedly suffered by the petitioner before Gurpreet Singh Cheema.

On the other hand, learned State counsel assisted by ASI Raj Singh has opposed the prayer, however, the factual aspect is not disputed that the FIR was lodged in August, 2019, whereas the victim had gone missing in the year 2014. She states that the body was cremated being unidentified and later on from the photographs, the complainant has identified the victim as his brother. She states that the victim had died of drowning and his dead body was found in a canal. She submits that the challan has already been filed against the petitioner.

Considering the custody of the petitioner and the fact that the trial of the case is likely to consume considerable time, therefore, further custody of the petitioner may not be justified. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court Moga.

The petition is allowed.

09.01.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No