

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46043-2019 (O&M)

Date of Decision: 19.02.2020

Gurmukh Singh @ Mukha Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. A.P.S. Sandhu, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. Amit Arora, Advocate
for the complainant.

...

Manoj Bajaj, J. (Oral)

CRM-4998-2020

Application is allowed, subject to all just exceptions. Annexure
P-3 is taken on record.

CRM-M-46043-2019

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.159 dated 17.10.2018, registered at Police Station Goindwal Sahib, District Tarn Taran, under Sections 302, 506, 148 and 149 IPC, 1860 and Sections 25 and 27 Arms Act, 1959 (later on Sections 148 and 149 IPC, 1860 and Sections 25 and 27 Arms Act, 1959 deleted and Section 34 IPC added). He is in custody since his arrest on 21.10.2018.

The FIR was registered on the statement of complainant Amandeep Singh@ Harsh, wherein it was stated that courtyard of his house and his uncle Jaspal Singh was common, but they were residing separately.

On 17.10.2018 at about 9-9:30 p.m., after having dinner, he and his parents went to their rooms for sleep and his brother went to the house of his uncle.

At about 1-1:30 am, upon hearing voice of unidentified persons, who were talking with each other, he got up and while climbing down the stairs, he saw that about 5-6 unidentified persons armed with deadly weapons, who were wearing khakhi colour clothes. Two of them had tied black patka on their heads, whereas two were wearing khakhi colour turban and one of them was carrying pistol. They pushed his mother, who fell on the bed and they started beating his father and later took him in their car and fled away. Thereafter, the complainant and Sultan Singh went out in search and they found him near a road going from Jamarai to Dhotiyan lying with deep injury on his head, a handkerchief in mouth and legs tied with dupatta. When he checked, he found his father was dead. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner contends that as per the allegations, 5-6 unidentified persons entered his house and took away his father in a car forcibly, and upon search by complainant, dead body of victim was found on a road side. It is contended that the said complainant has been examined before the trial Court as PW-1, and his deposition is at material variation with the original version as now he has indicted his own mother also as an accused. According to the witness, one Satnam Singh was involved in relationship with Rajwinder Kaur (mother of the complainant). He submits that the prosecution has examined two witnesses and the trial is likely to consume considerable time, therefore, his further custody is not necessary.

On the other hand, the prayer is opposed by learned State counsel, who is assisted by ASI Harjinder Singh as well as learned counsel for the complainant. According to them, the supplementary statement of

complainant was recorded on 20.10.2018 and the petitioner was made an accused being relative of Satnam Singh on the allegation that the petitioner had inserted the handkerchief in the mouth of the victim. It is argued that the petitioner participated in the crime and, therefore, considering the seriousness of the offence, he does not deserve the concession of bail.

At this stage, learned counsel for the petitioner contends that two versions are at material contradictions because as per the first version, the father of the complainant was taken alive from the residence, whereas in the supplementary statement, the assailants committed the murder at the residence itself.

Considering the above, the custody of the petitioner and the fact that the trial of the case is likely to consume considerable time to conclude, therefore, his further detention 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 Tarn Taran.

The petition is allowed.

19.02.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No