

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

**CRM-M-49260-2019
Date of decision: 09.01.2020**

Jagjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Ashish Aggarwal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 44 dated 18.04.2018, registered under Section 302 IPC (Section 201 IPC added later on) at Police Station Chohla Sahib, District Tarn Taran.

Learned counsel for the petitioner submits that as per the allegations in the FIR, registered at the instance of complainant Sukhwinder Kaur, it is stated that she has four brothers and Varinder Singh was younger to her and he got married to Baljeet Kaur in the year 2009. It is further stated that Varinder Singh was serving in Army and had come on leave from 03.11.2016 till 22.11.2016 for the purpose of renovation of his house and on 19.11.2016, when the contractor had gone away after doing the construction work, Varinder Singh had died. Later on, on the statement of Baljeet Kaur, wife of deceased Varinder Singh, the police initiated the proceedings under Section 164 Cr.P.C. by recording a wrong statement that

Varinder Singh died due to a fall, whereas the real story is that her wife was having illicit relationship with her younger brother Jagjit Singh, petitioner herein, and on that account, the petitioner has committed the murder of his brother Varinder Singh with a sharp edged weapon.

Learned counsel for the petitioner further submits that the FIR was registered after about one year and six months of the incident and during investigation of the present FIR, the police came to a conclusion that Baljeet Kaur is innocent.

Reply, by way of affidavit of the Investigating Officer, is on record, in which, in para No. 4, it is stated that during inquiry conducted by the Investigating Officer, Baljeet Kaur was found innocent and thereafter, S.S.P., Tarn Taran had marked the inquiry to DSP and even in that inquiry, it was found that co-accused Baljeet Kaur is innocent.

Learned counsel for the petitioner further submits that the present FIR has been registered by the sister of deceased Varinder Singh on account of the fact that she is putting pressure on the petitioner and claiming share in the property of the deceased.

Learned counsel further submits that petitioner is in judicial custody since 20.04.2018; challan stands presented and out of total 17 prosecution witnesses, only 04 witnesses have been examined so far.

Learned State counsel, on instructions from ASI Swarn Singh and on the basis of the custody certificate filed today in Court, has not disputed the factual position but opposed the bail.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering

the fact that petitioner is in judicial custody since 20.04.2018; he is not involved in any other case; the FIR was registered after a delay of about one year and six months from the date of incident and also in view of the fact that conclusion of trial is likely to take some time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety to the satisfaction of the trial Court/Duty Magistrate concerned.

09.01.2020
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No