

**CRM-M-47-2020 (O&M)**

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH.**

**CRM-M-47-2020 (O&M).  
Decided on: February 03, 2020.**

**Manjit Singh**

**.. Petitioner**

**VERSUS**

**State of Punjab**

**.. Respondent**

**\* \* \***

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

**\* \* \***

**PRESENT      Mr.D.S.Virk, Advocate,  
for the petitioner.**

**Mr.Sarabjit Singh Cheema, AAG, Punjab.**

**JASGURPREET SINGH PURI, J. (ORAL)**

The present petition has been filed by one Akhtar Ali under Section 439 of the Code of Criminal Procedure (for short the 'Cr.P.C.'), seeking regular bail in FIR No.281 dated 01.11.2017, under Section 302 IPC and 25, 27 of the Arms Act, registered at Police Station, City Rajpura, District Patiala.

The allegations as contained in the FIR are that an

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unknown girl was lying dead fully covered with blood in front of house of one Paramjit Singh and age of the girl was 27 years. The occurrence was reported by one Jagir Singh with regard to the same. Thereafter, the present FIR was registered and during the investigation, the petitioner was nominated on the basis of statement of one Ravinder Singh who is the brother of the deceased namely Navgeet Kaur.

Learned counsel for the petitioner has submitted that in the present case the petitioner has been wrongly roped in, and the only material evidence which has come against him is that he had remitted an amount of Rs.3,50,000/- in the name of the deceased and that it will not prima facie mean that there was any enmity or grudge against the deceased. He has further submitted that, in fact, there was another FIR which was lodged by the deceased girl vide Annexure P2 against one Lakhbir Singh and there is every possibility of a dispute between the deceased and said Lakhbir Singh. He has further submitted that the petitioner is in custody since 3.11.2017 which is almost 2 years and 3 months and he had earlier filed a petition in this Court i.e. CRM-M-46742 of 2019, which was decided on 31.10.2019 vide Annexure P5 and that petition was disposed of in view of the statement made by the State that the prosecution has already recorded the evidence of the important witnesses and three more witnesses have been summoned for 1.11.2019 and the remaining witnesses are only formal witnesses of recovery memo etc. While disposing of the said petition, the the trial Court was requested to make sincere efforts and conclude the prosecution evidence within the month of November, 2019 itself. Order

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dated 31.10.2019, is reproduced as under:-

“Prayer in the present petition is to grant regular bail to the petitioner in FIR No.281 dated 01.11.2017 registered under Sections 302 of the Indian Penal Code and 25, 27 of Arms Act at Police Station City Rajpura, District Patiala.

Learned counsel for the State, on instructions from HC Paramjit Singh, has submitted that prosecution has already recorded evidence of important witnesses and three more witnesses have been summoned for tomorrow i.e. 01.11.2019. It has further been submitted that remaining witnesses are only formal witnesses of recovery memo etc.

Keeping in view the aforesaid facts, learned trial Court is requested to make a sincere effort and conclude the prosecution evidence within the month of November, 2019 itself. In view of the above, the present petition is disposed of.”

Per contra, learned State counsel, on instructions from ASI Harnek Singh, has submitted that it is a case of blind murder and on the conclusion of evidence, the petitioner was nominated in the FIR and was challaned and thereafter, the prosecution evidence is going on. He has

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further submitted that the charges in this case were framed on 27.4.2018 and out of 22 witnesses, 14 have been examined and one is likely to be examined on the next date of hearing.

I have heard the learned counsel for the petitioner as well as the learned State counsel and have gone through the record of the case.

On 31.10.2019, the State had made a statement that all the important witnesses have been examined and remaining three witnesses would be examined on 1.11.2019. Today, learned State counsel, on instructions from ASI Harnek Singh, states that as of now, the remaining witnesses have not been examined and that it is also wrong that all the material witnesses have been examined. He states that the Investigating Officer is yet to be examined and that the earlier statement made on 31.10.2019, was erroneous. He has further submitted that the Investigating Officer is not coming forward and therefore, even bailable warrants have been issued against him.

Be that as it may, the petitioner is in custody since 03.11.2017 i.e. for the last more than 2 years and 3 months and the material witnesses have been examined except for the Investigating Officer against whom bailable warrants have already been issued by the Court.

Considering the totality of the circumstance as aforesaid and on the basis of the arguments raised by the learned counsel for the parties, I am of the opinion that it is a fit case where the petitioner can be admitted on regular bail. Consequently, the petition is allowed. It is ordered that the petitioner shall be released on bail on his furnishing bail

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bond/surety bond to the satisfaction of the trial Court.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

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|-----------------------------|---------------------------------|
| <b>February 03, 2020.</b>   | <b>(JASGURPREET SINGH PURI)</b> |
| <b>raj arora</b>            | <b>JUDGE</b>                    |
| Whether speaking / reasoned | Yes / No                        |
| Whether reportable          | Yes / No                        |