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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.423 of 2021 (O&M)

Date of decision: 27.07.2021

Manjit Singh @ Jeetu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. D.S. Kahlon, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.11 dated 19.07.2018 registered under Sections 302/364/34 of the Indian Penal Code, 1860 (in short 'IPC') at Police Station Dhar Kalan, District Pathankot.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered on the statement of one Sadiq Ali, his brother-in-law Yakub was taking care of the responsibility of his elder brother Zahuri regarding a deal of the plot with the petitioner – Manjit Singh @ Jeetu. On 12.07.2018, Manjit Singh @ Jeetu called Zahuri in his village for exchange of money. He went on a motorcycle to meet but he never returned back. Thereafter, a complaint was given to the Senior Superintendent of Police, levelling the allegations against the petitioner for abducting his brother with intention to usurp the money.

Counsel for the petitioner has further submitted that later on, the FIR was registered under Section 302 IPC as the petitioner was

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nominated as the main accused. It is also submitted that the petitioner is in custody for the last more than 03 years and out of 31 PWs, only 03 PWs have been examined so far and the trial has been delayed on account of COVID-19 situation.

In reply, counsel for the State on the basis of the affidavit of the Deputy Superintendent of Police, Pathankot, has opposed the prayer for bail on the ground that after registration of the FIR, the petitioner was arrested on 17.07.2018 and during the investigation, he suffered a disclosure statement that he along with co-accused Sohan Lal @ Sonu had killed Zahuri and cut the body parts into pieces and by keeping the same in 02 different bags, had thrown the same in Ranjit Sagar Dam. Thereafter, on the basis of the disclosure statement, the body parts were recovered on 19.07.2018 and the dead body was identified by the complainant as well as his uncle Lal Hussain, by recognizing his clothes. During the investigation, the DNA professional report was also received from the FSL on 05.08.2019 and it proved that the deceased was brother of the complainant. It is further stated that on verification of the call details of the petitioner and the deceased, it was found that they were in touch with each other on their respective mobile numbers as stated in the affidavit. It is also stated that on receiving the dead body and parts of the dead body, Section 307 IPC was added and the petitioner identified the place from where the weapon used in the offence i.e. datar was thrown, after committing the murder.

As per the post-mortem report, the doctor opined the cause of death as severance of neck. Thereafter, the statement of the complainant was recorded, who supported the prosecution version and

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the prosecution moved an application under Section 319 Cr.PC., and the other accused namely Gudu Deen was also arrested. It is, thus, submitted that it is a case where the primary evidence has come against the petitioner and the complainant has duly supported the prosecution version.

After hearing the counsel for the parties, I find that mere long custody of the petitioner is not a ground to grant the concession of bail, in view of the facts and circumstances of the case noticed above.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

27.07.2021

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No