

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

(Sr. No. 203)

CRM-M No. 3435 of 2021

Date of decision : 08.10.2021

Jagtar Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Arshdeep Singh Brar, Advocate for the petitioner.

Mr. H. S. Multani, AAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No. 21 dated 05.02.2019 registered under Sections 302 IPC at Police Station City South, district Moga.

The petitioner is being prosecuted for the murder of one Sukhdev Singh.

Learned counsel for the petitioner contends that the petitioner is an accused in a blind murder case; he has been falsely implicated in this case at the behest of the complainant, who herself had a strong motive to murder the deceased, her brother-in-law, as the deceased was unmarried and issueless and much to the dislike of the complainant, had recently disposed of his property which the complainant was hoping to inherit; the petitioner has no other criminal case pending against him; in the first statement made to the police, the complainant did not name the petitioner; in her additional statement, as an afterthought, the complainant modified her stand but only

after receipt of the deceased's postmortem report; the petitioner is in custody since 13.02.2019; all the material prosecution witnesses have since been examined before the Trial Court and, therefore, the petitioner is not in a position to influence them and that since 25 prosecution witnesses still remain to be examined, the petitioner's trial shall take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that there is enough evidence against the petitioner that he has murdered Sukhdev Singh and that if released on bail, he may influence the trial.

The plea taken by the petitioner with regard to the motive to murder the deceased to be with the complainant as also the reasons as to why the complainant did not name him in the first instance would be considered during the course of his trial. However, the petitioner has no other criminal case pending against him; he has already undergone over two and half years of incarceration; all the material prosecution witnesses have since been examined and that since 25 prosecution witnesses still remain to be examined in the petitioner's trial, the same is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Moga the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only

for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

08.10.2021

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No