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

CRM-M-7118-2021

Date of Decision: 22.02.2021

Karandeep Singh**.. Petitioner****Vs.****State of Punjab****..Respondent****CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Salil Dev Singh Bali, Advocate for the petitioner.

Mr. Bhupinder Beniwal, AAG, Punjab.

Mr. Piyush Sharma, Advocate
for the complainant.

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Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.25 dated 13.03.2020 registered under Sections 302 and 201 IPC read with Section 34 Indian Penal Code, 1860 at Police Station Kulgari, District Ferozepur, Punjab. The petitioner is in custody since his arrest on 15.03.2020.

The FIR was registered on the statement of complainant-Ajay Kumar and the allegations as noticed by the Id. Addl. Sessions Judge, Ferozepur in the order dated 26.11.2020 are as under:

“Perusal of the record shows that the present case was registered on the statement of complainant Ajay on the allegations that on 13.02.2020 at about 4.00 p.m., Sukhraj went from home but he did not return and complaint regarding his missing was got registered in police station, Kulgarhi. On that day, at about 07.00 a.m., Sammi Bhatti came to the complainant and told him that co-accused/non-applicant Kamlesh disclosed him that she killed Sukhraj Singh, in connivance with applicant/accused Karandeep Singh and co-accused/non-applicant Harwinder Singh @

Sukha, after giving kirch blows on him and his dead body was thrown in the river, near Lakhmeer Pura. The motive behind the occurrence was that Sukhraj had illicit relations with Reena, daughter of Kamlesh and due to this reason, applicant/accused along with co-accused/non-applicants killed Sukhraj.”

Learned counsel for the petitioner has argued that the case of prosecution is based upon circumstantial evidence and the co-accused of the petitioner, namely, Kamlesh to whom the motive of the crime has been attributed, has already been released on bail vide order dated 11.02.2021. He submits that the case of the prosecution is based upon the extra judicial confession suffered by Kamlesh before prosecution witness Sammi Bhatti, who suspected illicit relations between the victim and her daughter and confessed the commission of crime with the assistance of co-accused. Learned counsel submits that the investigation of the case is complete, however, according to him the trial is yet to commence, as no prosecution witness has been examined so far. He prays for bail.

Learned counsel for the complainant has opposed the prayer on the ground that the weapon of offence (knife) was recovered from the petitioner. Learned State counsel assisted by ASI Baldev Singh, has also opposed the prayer and submitted that the report of the FSL is yet to come. However, it is not disputed that the prosecution is yet to examine its witnesses.

At this stage, learned counsel for the petitioner has pointed out that the recovery of weapon may not have much significance as the dead body of the victim was never recovered and even the cause of death is unknown.

After hearing the learned counsel for the parties and considering the above background, this Court finds that though the charges

were framed on 07.12.2020, but no prosecution witness has been examined so far, therefore, considering the custodial period of the petitioner, this Court finds it to be a fit case for grant of regular bail, as the trial may consume considerable time to conclude. Presently, the petitioner is confined in judicial custody after his arrest on 15.03.2020, and his further detention may not be necessary for any useful purpose.

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 Ferozepur.

The petition is allowed.

22.02.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No