

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

CRM-M No.9428 of 2021 (O&M)

DATE OF DECISION: 29.10.2021

Chuchhwinder Singh alias Saswinder Singh alias Chinda

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. DPS Bajwa, Advocate for the petitioner

Mr. Sandeep Vermani, Addl. AG Punjab

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ALKA SARIN, J.

Heard through video conferencing.

This is the second petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.252 dated 27.10.2017 under Sections 302, 201, 120-B of the Indian Penal Code, 1860 registered at Police Station Patran, District Patiala. The first petition for grant of regular bail being CRM-M No.34531 of 2019 was dismissed as withdrawn on 21.09.2020.

Learned counsel for the petitioner submitted that the petitioner has been in custody since 10.07.2018. It is further the contention of the learned counsel for the petitioner that the complainant has since been examined. On merits, the learned counsel has contended that there is a delay of one month in lodging the FIR. The complainant is an educated person - a Government teacher - however, for one month since his nephew went missing, not even a missing person report was lodged. The learned counsel would further contend that besides the disclosure statements of the co-accused there is no other incriminating evidence against the petitioner.

A status-report dated 21.07.2021 has been filed by way of affidavit of Bharpur Singh, PPS, Deputy Superintendent of Police, Circle Patran, District Patiala on behalf of the State wherein it has been stated that the petitioner had surrendered on 09.07.2018 while proceedings under Sections 82/83 CrPC were going on against him. It has been further stated in the status-report that the co-accused Geja Singh and Anu Rani @ Amni had suffered disclosure statements separately to the effect that on 30.09.2017 they along with Avtar Singh @ Sonu and the petitioner took Rajat Kumar in a car to the motor of Shaminder Singh where they took liquor together and Rajat Kumar was served more liquor and then his legs and arms were tied with a yellow scarf and he was put in the car and taken to the motor of Avtar Singh @ Sonu and then all four gave severe beatings to him and when he became unconscious he was taken to Ghaggar River where he was murdered with a dagger and his body was thrown in the river by Anu Rani and the petitioner and his clothes were also thrown there. The skeleton of the deceased was got recovered at the behest of the co-accused.

It has further been stated in the status-report that the dagger used for murdering the deceased was recovered from the house of the co-accused Geja Singh on the basis of the disclosure statement of Avtar Singh @ Sonu, co-accused.

I have heard the learned counsel for the parties.

In the present case, except for the disclosure statement of the co-accused mentioning the role of the petitioner, there is no other incriminating evidence against the petitioner. The skeleton of the deceased was got recovered by the co-accused and the dagger used in the commission of the crime was also recovered from the house of a co-accused. The petitioner in the present case has been in custody since 10.07.2018 and the status report does not mention about his involvement in any other case. The complainant in the present case stands examined and out of 29 witnesses, only 12 have been examined till date.

In view of the above, without commenting on the merits of the case, I deem this to be a fit case for grant of regular bail. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

**(ALKA SARIN)
JUDGE**

29.10.2021
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<u>NOTE:</u> Whether speaking/non-speaking: Speaking Whether reportable: YES/NO
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