

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

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CRM-M-15178-2021 (O&M)

Date of Decision: 06.10.2021

Jaspal Singh @ Athanni

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Gurtej Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.148 dated 10.07.2020 at Police Station Maur, District Bathinda, under Sections 302/364/148/149 IPC.
2. The FIR was lodged at the instance of Balvir Kaur, wherein it is alleged that on 09.07.2020 at about 8:00 PM, her son Amrinder Singh @ Manja had gone for a walk in a park after taking meals, but did not return back. When the complainant went towards the park to look for her son, she noticed a Maruti car and the occupants of the same were Kharaji Singh, Sukhveer Singh @ Soni, Lakhvir Singh and Manga Singh, who were accompanied by 4/5 unidentified persons on motor-cycles. It is alleged that the said persons forcibly pushed complainant's son in the car. Although the

complainant, who was also accompanied by Jaswinder Singh @ Judge, tried to restrain them, but the assailants caused injuries to Jaswinder Singh and fled away from the spot. On the next day in the morning, the complainant's son-in-law Gagandeep Singh informed that dead body of Amrinder Singh was lying in the bushes in the area of village Maur Charat Singh. The complainant has, thus, alleged that Kharaji Singh, Sukhveer Singh, Lakhvir Singh and Manga Singh accompanied by 4/5 unidentified persons had forcibly abducted her son and murdered him and that the motive for murder of her son was that previously there had been a quarrel between her son and Kharaji Singh & others.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and came to be nominated in the supplementary statement of the complainant recorded 5 days after the FIR i.e. on 15.07.2020, wherein the complainant has replaced the name of Manga Singh with Jaspal Singh and Manga Singh is attributed the role of a conspirator only. Learned counsel has submitted that the complainant has come out with a false and concocted version, which would be evident from the fact that while Jaspal Singh was arrested on 18.07.2020, as has also been stated in the supplementary statement (Annexure P-3), but interestingly the said statement bears the date 15.07.2020. Learned counsel has further submitted that the petitioner is physically handicapped to the extent of 70% and has 'locomotor disability' and as such, would not be able to participate in any kind of physical violence or any

scuffle as is alleged in the instant case where the accused are alleged to have pushed the deceased into the car. Learned counsel has further submitted that the petitioner otherwise has a clean record and deserves the concession of bail.

4. Opposing the petition, learned State counsel has submitted that since the petitioner came to be specifically named by the complainant in the supplementary statement recorded on 15.07.2020, the complicity of the petitioner is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 1 year 4½ months and that he is not involved in any other case. It has also been informed that challan already stands presented, but charges have not been framed so far and that as many as 21 PWs have been cited.
5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner is not named in the FIR and came to be nominated in the supplementary statement of the complainant. Though there could be circumstances where a complainant may not be in a position to name all the accused in the First Information Report and would disclose the names subsequently upon gathering some information, but in the instant case some kind of doubt is created in the supplementary statement inasmuch as while the supplementary statement purports to have been recorded on 15.07.2020, but there is a reference to the arrest of Jaspal Singh on 18.07.2020, which would suggest that the said

supplementary statement is in fact antedated. In any case, the petitioner has been behind bars for a substantial period of 1 year and 4½ months and the conclusion of trial is likely to consume time, as the trial has not even commenced and as many as 21 PWs have been cited. The petitioner, in any case, has not been involved in any other case. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

7. It is, however, made clear that none of the observations made above shall be taken to be an expression on merits of the main case.

06.10.2021

Vimal

**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**