

In virtual Court

CRM-M-16367-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16367-2021 (O&M)
Date of decision: 29.09.2021

Prabhjot Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Balram Prashar, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

CRM-30583-2021

For the reasons stated in the application, same is allowed and
Annexures P-6 to P-9 are taken on record.

CRM stands disposed of.

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Prayer in this 2nd petition is for grant of regular bail in FIR No.18
dated 28.01.2020 under Sections 302, 201 IPC and Sections 25/27/54/59 of
Arms Act, registered at Police Station Lambi, District Sri Muktsar Sahib; earlier
one was dismissed as withdrawn on 18.11.2020.

Learned counsel for the petitioner submits that the petitioner is in

custody for the last 01 year, 07 months and 23 days. It is further submitted that initially, the police received a secret information that petitioner Prabhjot Singh had murdered Gurdial Singh with a gun shot injury on 22.01.2020 and had disposed of the body. The information was given on 28.01.2020 and thereafter, the FIR was registered and investigation was carried out. It is also submitted that it is a case of circumstantial evidence and there is no other evidence against the petitioner.

Learned counsel has relied upon statement of PW1 Dilraj Singh, an Ex-Panch of the village, who stated that he knew Inderjit Singh son of Gurdial Singh and Prabhjot Singh son of Inderjit Singh and they were on visiting terms with him. It is further stated that he had acquaintance with Prabhjot Singh being his neighbour, but he was not having any cordial relations with him and he never joined the company of Prabhjot Singh. This witness further stated that he had no knowledge whether Prabhjot Singh was suffering from any mental illness. Thereafter, this witness was declared hostile. In cross-examination by the Public Prosecutor, he denied having made any statement on 04.02.2020. He even denied having made extra-judicial confession made before him by Prabhjot Singh regarding committing murder of Gurdial Singh. Despite lengthy cross-examination by the Public Prosecutor, PW1 Dilraj Singh had not supported the prosecution version.

Learned counsel for the petitioner has further submitted that even some other witnesses have been examined and PW2 Sukhjeet Singh Gill, PW3 Sandeep Singh and PW4 Gurjeet Singh have also not supported the prosecution

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version and have stated in the Court that petitioner Prabhjot Singh had not committed the murder of Gurdial Singh. It is further stated that PW2 Sukhjeet Singh Gill is son of Gurjeet Singh son of deceased Gurdial Singh, PW4 Gurjeet Singh is son of deceased Gurdial Singh and similarly, PW3 Sandeep Singh is a close relative.

Learned State counsel has filed the custody certificate dated 28.09.2021 in the Court today and on instructions from ASI Kishan Lal, has not disputed the factual position.

Without commenting anything on merits of the case, considering the long custody of the petitioner and also in view of the fact that all the material witnesses have been examined and they have not supported the prosecution version, therefore, there is no possibility of tempering with the prosecution version at this stage, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

**[ARVIND SINGH SANGWAN]
JUDGE**

29.09.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No