

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

205

CRM-M-18644-2021

Date of Decision: 24.05.2021

Onkar Singh @ Kara

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Lakhwinder S. Lakhanpal, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered against him vide FIR No.68 dated 26.6.2016 under Sections 307 IPC and under Section 25 of Arms Act (added later on Section 302/120-B/34 IPC) at Police Station Bhogpur, District Jalandhar, Punjab.
2. The FIR in question was lodged at the instance of Ram @ Chottu, wherein it has been alleged that he is nephew of Baba Pritam Singh and that many people visited said Baba ji. On the day of occurrence i.e. on 25.6.2016, when he and Champion son of Satpal were rendering services inside the Dera at about 5:30 p.m., then two young persons came there to meet Baba ji and to pay obeisance and went to his room upstairs. After a short while, the said two persons came down and at that time he heard somebody shouting that Baba ji has been killed. The said two persons,

however, fled away from the spot. The said Baba ji was found to be lying in a pool of blood and was taken to hospital where he was succumbed to his injuries.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and is sought to be nominated on the basis of an extra-judicial confession allegedly made by the petitioner before Rajdeep Singh and Meeran Sharma, wherein he is alleged to have confessed that he as well as Rajwinder Singh had been engaged by Gurpreet Singh to eliminate Baba Pritam Singh as Gurpreet Singh suspected that Baba Pritam Singh was having illegitimate relations with his sister and with other women. The learned counsel has further submitted that the petitioner has been behind bars since the last about 3 years and 8 months. It has also been submitted that the petitioner, in any case, deserves the concession of bail on the ground of parity as co-accused Gurpreet Singh has already been granted bail vide order dated 10.06.2020 passed by this Court.
4. Opposing the petition, learned State counsel has submitted that in view of the extra-judicial confession made by the petitioner before Rajdeep Singh and Meeran Sharma and in view of the fact that the petitioner happens to be involved in one more case under Section 353/427/186 IPC, no case for grant of bail is made out. The learned State counsel has, however, informed that the petitioner has been behind bars since the last 3 years and 8 months and as on

date only 6 PWs out of the cited 27 PWs have been examined, while another 6 PWs have been given up.

5. I have considered rival submissions addressed before this Court.
6. It is a case wherein the prosecution mainly relies upon extra-judicial confession made by the accused, which is a weak type of evidence unless there is other corroborative evidence to substantiate the same. In any case, since the petitioner has been behind bars for the substantial period of 3 years and 8 months and conclusion of trial is likely to consume time as only 6 PWs have been examined so far, 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.

24.05.2021

VY/Vimal

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**