

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

**CRM-M-20236-2020 (O&M)
Date of decision: 16.02.2021**

Joginder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Gurpreet Singh Sandhu, Advocate
for the applicant-petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

CRM-4443-2021

Allowed as prayed for.

Documents are taken on record as Annexures P-4 to P-6.

Main case

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 164 dated 17.08.2019, registered under Sections 302, 34 of the IPC (Section 120-B IPC added later on) at Police Station Sangat, District Bathinda.

Learned counsel for the petitioner submits that petitioner is in judicial custody for the last about 01 year and 05 months and both the daughters of deceased Sukhpal Kaur have not supported the prosecution version.

Learned counsel for the petitioner relies upon the statement of PW-2 Gurpreet Kaur as well as PW-3 Gurmail Kaur @ Golo, who have stated that their mother never told them about accused Jasvir Singh that she had a suspicion that he may commit her murder.

Learned counsel further submits that both of these witnesses have not supported the prosecution version and during cross-examination by the Public Prosecutor, these witnesses have even denied having made any statement before the police on the pretext that their signatures were taken on a blank paper. It is further stated that witness Kulwant Singh @ Rinku is only an informant to PW-2 and PW-3 about the murder of their mother on the next morning.

Learned counsel further submits that in view of the statement of aforesaid both the witnesses, which is the only evidence against the petitioner, the chances of conviction of the petitioner are very bleak.

Learned counsel for the petitioner further submits that even as per statement of PW-1 Dr. Harmeet Singh, who conducted the postmortem of deceased, it is stated that possibility of head injury by fall from the height cannot be ruled out.

Learned State counsel, on the basis of the affidavit of DSP, Bathinda (Rural), dated 07.10.2020, though supports the prosecution version, however, he could not dispute the fact that subsequent to filing of the aforesaid affidavit, PW-2 and PW-3, in their statement recorded on 18.01.2021, they have not supported the prosecution version.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering

the aforesaid facts and circumstances of the case; the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

16.02.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No