

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-26803-2021 (O&M)
Date of Decision:-9.11.2021

Jagdev Dass @ Jaggu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jagtar Singh Sidhu, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.181 dated 21.7.2019 at Police Station Civil Lines, District Patiala under Sections 302 and 34 of Indian Penal Code, wherein offences under Sections 201 and 120-B of Indian Penal Code were added later on.
2. Reply has been filed by learned State counsel today in Court, which is taken on record.
3. The FIR was lodged at the instance of Charanjit Dass, wherein it is alleged that on 18.7.2019 his brother Harmail Dass (deceased) left home at about 9:00 a.m. in the morning on his motorcycle to attend to his duties. However, he did not return back in the evening. The complainant and others started search for his brother and found his dead-body in artificial water canal of

Bhakra Shutrana and which was found to be bearing injuries on his head with sharp edged weapon. The complainant suspected that his brother had been murdered by some unknown persons.

4. Learned counsel for the petitioner has submitted that it is a case of blind murder based on circumstantial evidence and that the petitioner is sought to be implicated on the basis of extra judicial confession allegedly made by co-accused Rajinder Kaur before sister of the deceased and also on the basis of disclosure statement of co-accused Parvinder Singh. It has also been submitted that the prosecution also relies upon a disclosure statement made by the petitioner leading to recovery of motorcycle of the deceased, which can hardly be said to be any convincing evidence. Learned counsel for the petitioner submits that the petitioner, in any case, deserves the concession of bail on grounds of parity since identically situated co-accused Parvinder Singh, who is also alleged to have participated in the murder and also Rajinder Kaur @ Maro have already been granted bail by this Court vide order dated 5.4.2021 (Annexure P-7).
5. Opposing the petition, learned State counsel has submitted that during the course of investigation it had surfaced that the petitioner Jagdev Dass @ Jaggu was having illicit relations with wife of deceased i.e. Rajinder Kaur @ Maro and that the petitioner in connivance with co-accused had made a plan and had eliminated the deceased Harmail Dass. Learned State counsel has further submitted that the factum of recovery of motorcycle of the deceased from a canal at the instance of the petitioner, would show his complicity particularly when the same is examined in context of the disclosure statement made by a co-accused and also the extra judicial confession made by Rajinder Kaur @ Maro before Paramjeet Kaur (sister of deceased). Learned

State counsel has submitted that the petitioner cannot claim any benefit on grounds of parity on account of bail having been granted to co-accused Parvinder Singh inasmuch as it is the petitioner, who is the main accused as he had a motive to eliminate Harmail Dass on account of his illicit affair with wife of Harmail Dass. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 2 years and 4 months and that he is not involved in any other case. It has also been informed that as on date 2 out of the cited 19 PWs have been examined.

6. I have considered rival submissions addressed before this Court.
7. It is not in dispute that it is a case of blind murder, wherein the petitioner seeks to establish its case on the basis of circumstantial evidence including the disclosure statement of the accused and the extra judicial confession made by co-accused Rajinder Kaur @ Maro. In any case, the petitioner has been behind bars for a substantial period of 2 years and 4 months and is stated to be having a clean record. The co-accused Parvinder Singh and Rajinder Kaur @ Maro have already been granted bail by this Court vide order dated 5.4.2021. Conclusion of trial is likely to consume time as only 2 out of the cited 19 PWs have been examined till date. 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.

9.11.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No