

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. **CRM-M-22355-2020**

DATE OF DECISION: APRIL 19, 2021

PAWANDEEP SINGH ...PETITIONER

VERSUS

STATE OF PUNJAB ...RESPONDENT

2. **CRM-M-24745-2020**

CHARANPREET SINGH ...PETITIONER

VERSUS

STATE OF PUNJAB ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. AMANDEEP SINGH, ADVOCATE
FOR THE PETITIONER IN CRM-M-22355-2020.

MR. J.S. JAIKDA , ADVOCATE
FOR THE PETITIONER IN CRM-M-24745-2020.

MR. RAMANDEEP SANDHU, SR.DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

The petitioners have filed their respective petitions under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.11 dated 12.1.2018, under Section 302, 201 IPC, Police Station Sadar Khanna, Police District Khanna, District Ludhiana. Both the petitioners are in custody since their arrest on 19.1.2018.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Ludhiana, in his order dated 22.7.2020, are as under:-

“The present case was registered on the basis of the

statement of complainant Mandeep Singh son of Ram Rattan resident of Village Kalal Majra PS Samrala District Ludhiana in which he stated that he is resident of the address stated above and he is labourer by profession. They are two brothers and his (complainant Mandeep Singh's) elder brother Kuldeep Singh Babbu aged about 34 years is residing at Model Town Khanna along with his wife Harpreet Kaur and son. On 11.01.2018 at about 09.00 PM, said Kuldeep Singh Babbu had left his house on motorcycle without telling anything to anybody and he did not return back. On 12.01.2018 he (complainant Mandeep Singh) was present in his house, where at about 12.30 PM, he was informed that his brother Kuldeep Singh @ Babbu had died due to sinking into the pond at village Majra P.S. Sadar Khanna. On this, he (complainant Mandeep Singh) had gone to Village Majra, where people had removed the dead body of his brother Kuldeep Singh @ Babbu from the pond alongwith motorcycle bearing no. PB-10-BP-7030. At that time, he (complainant Mandeep Singh) saw that both the ankles of his brother Kuldeep Singh were tied with the said motorcycle with the help of electrical wire and there were scares of blue colour on his neck. He (complainant Mandeep Singh) is having full belief that some unknown person had committed murder of his brother Kuldeep Singh @ Babbu and after then, that unknown person had thrown the dead body of Kuldeep Singh @ Babbu in the pond after tying the same with the motorcycle.”

Learned counsel for the petitioners have argued that the case of the prosecution is based upon circumstantial evidence and according to the

prosecution, Kuldeep Singh (victim) was murdered by his wife Harpreet Kaur alongwith Charanpreet Singh, as she was having illicit relations with co-accused Charanpreet Singh. It is pointed out that as per prosecution, the petitioners allegedly participated in the crime alongwith those two accused persons, who were lastly seen by witness Hazara Singh alongwith other two co-accused persons. It is stated that the said witness Hazara Singh has expired and the material witness, namely, Dhana Singh before whom the petitioners, suffered extra judicial confession is not appearing before the trial Court for last various dates. They have submitted that the trial of the case would consume considerable time to conclude, therefore, the petitioners deserve the concession of regular bail during the pendency of the trial.

On the other hand, learned State counsel assisted by ASI Baljit Singh has opposed the aforesaid prayer on the ground that the dead body of the petitioner was tied with his own motorcycle and was recovered from a canal. He submits that the petitioners had suffered extra judicial confession before Dhana Singh, who is yet to be examined before the trial Court. It is not disputed by learned State counsel that out of twenty prosecution witnesses, only four have been examined.

After considering the learned counsel for the parties and considering the above background, this Court is of the opinion that though the trial has commenced, but is at the initial stage with no possibility of its completion in near future, as still sixteen prosecution witnesses remain to be examined. Apart from it, the belligerent re-emergence of pandemic COVID-

19 in the region has once again forced the States of Punjab, Haryana and U.T. Administration, Chandigarh to impose various restrictions to clamp down the contagion, and it would further delay the conclusion of trial. Admittedly, the petitioner is not involved in any other case of similar nature. Thus, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 19.1.2018.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail in the above case, subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petitions are allowed.

April 19, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No