

In virtual Court

CRM-M-28028-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28028-2021 (O&M)
Date of decision: 28.07.2021

Mangat Singh @ Manga

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. B.S. Sidhu, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.164 dated 17.08.2019 under Sections 302, 34 IPC (Section 120-B IPC), registered at Police Station Sangat, District Bathinda.

Learned counsel for the petitioner relies upon the orders dated 16.02.2021 passed in CRM-M-20236-2020 and dated 20.07.2021 passed in CRM-M-8816-2021, vide which co-accused Joginder Singh and Jasvir Singh @ Seera @ Sukha have been granted the concession of regular bail. The operative part of the order dated 20.07.2021 passed in CRM-M-8816-2021 reads as under: -

“...Counsel for the petitioner has relied upon the order dated 16.02.2021, granting bail to the co-accused Joginder Singh. The operative part of the said order, reads as under:-

“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/Illaq Magistrate, concerned.”

For the sake of brevity, the facts are not reproduced again.

Counsel for the petitioner has further submitted that the allegations against the petitioner are identical in nature and as on today, the petitioner has undergone more than 01 year, 10 months and 27 days and he is not involved in any other case. Lastly, it is submitted that no fresh evidence has come against the petitioner and the aforesaid 02 PWs have not supported the prosecution version.”

Learned counsel for the petitioner submits that the petitioner is in custody for the last 01 year, 11 months and 05 days and is not involved in any other case. It is further submitted that no fresh evidence has come against the petitioner, as two prosecution witnesses already recorded by the trial Court have not supported the prosecution version and allegations against the petitioner are

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similar in nature, as against aforesaid two co-accused, who have already been released on regular bail.

Learned State counsel has filed the custody certificate dated 27.07.2021 in the Court today and has not disputed the factual position.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the facts and circumstances of the case and also in view of the fact that the petitioner is in long custody of 01 year, 11 months and 05 days and is not involved in any other case, 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/Illaqa Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

28.07.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No