

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

(Through Video Conferencing)

CRM-M-32804-2021

Date of Decision: 19.08.2021

DALJINDER SINGH

.....Petitioner

V/s.

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present: Mr. Saurav Bhatia, Advocate,
 for the petitioner.

Mr. Luvinder Sofat, Assistant Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (Oral)

This is the second petition filed under Section 439 of the Code of Criminal Procedure for grant of concession of regular bail to the petitioner in case FIR No.17 dated 21.03.2020 lodged under Section 302 of the Indian Penal Code, 1860 (Sections 201 and 120-B of the IPC added later on) registered at Police Station Mukandpur, District Shaheed Bhagat Singh Nagar, Punjab.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has been in custody since 17.04.2020 on the allegations that the petitioner alongwith co-accused conspired to eliminate Zorawar Singh (deceased) on account of the illicit relations between co-accused Navdeep Kaur and Sukhdev Singh.

Learned counsel for the petitioner submits that since it is a case resting on circumstantial evidence, there was no reason forthcoming as to what motive could have been there with the petitioner to conspire with other two accused to carry out the crime in question. He submits that in fact, it was

on the basis of an alleged confession made by the co-accused Sukhdev Singh, the name of the present petitioner was arrayed as an accused in the crime in question. It has been submitted that this confession is hit by Section 25 of the Indian Evidence Act, 1872 and has very weak evidentiary value. It has been submitted that the co-accused Navdeep Kaur has since been extended the concession of bail by this Court vide order dated 18.08.2021 passed in CRM-M-22572-2021. He has further submitted that only 1 of 23 prosecution witnesses cited has been examined till date and even the lone witness (witness of the last seen) who has been examined has not supported the case of the prosecution as a result of which she was declared hostile.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Pavittar Singh, has submitted that the petitioner was not only a conspirator in the crime in question but has also been charged under Section 201 of the Indian Penal Code, 1860 for destruction of evidence i.e. blood stained shirt of the main accused. He has also submitted that main accused Sukhdev Singh had attributed a role to the petitioner of being an active conspirator in the alleged crime.

Learned counsel for the State has, however, conceded that co-accused; Navdeep Kaur has since been granted the concession of bail as the witness of last seen had failed to support the case of the prosecution.

Heard.

In view of the submissions made by learned counsel for the petitioner and the fact that the petitioner has been in custody since 17.04.2020, the trial is unlikely to conclude in the near future, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of

the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

August 19, 2021

Ess Kay

**[MANJARI NEHRU KAUL]
JUDGE**

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>