

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.36271 of 2020 (O&M)

Date of Decision: August 18, 2021

Jaspreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Krishan Sehajpal, Advocate,
for the petitioner.

Mr. Ramandeep Sandhu, Sr.DAG, Punjab.

Mr. Kanhiya Soni, Advocate,
for the complainant.

MANOJ BAJAJ, J. (Oral)

CRM-15312-2021

Application is allowed. Statement of prosecution witness
recorded under Section 161 Cr.P.C. is taken on record.

CRM-M-36271 of 2020

Petitioner has filed this petition under Section 439 Cr.P.C. for
grant of regular bail, pending trial in case FIR No.116 dated 06.07.2020,
under Sections 302 and 34 IPC, 1860, registered at Police Station, Sadar
Khanna, District Ludhiana, who is in custody since his arrest on
09.07.2020.

The contents of the FIR, as noticed by the Additional Sessions
Judge, Ludhiana in his order dated 28.08.2020 are as under:-

*“In the present case, FIR was got registered at the instance and
on the statement of Gursewak Singh. It is in accusations that*

father of complainant namely Jagmail Singh aged about 48 years is doing the business of sale/purchase of cattle and besides it, he is also doing working at Guru Kirpa Agro Industries, Kalal Majra and he was going to his duty in the said industry at about 7:00/8:00 P.M. It is further in accusations that after taking night meal, his father went to cattle shed for sleep. On 05.07.2020 at about 8:30 P.M., after taking his night meal, his father went to cattle shed for sleep. On 06.07.2020 at about 7:45 A.M., his father did not return to home from the cattle shed and the complainant went to see his father in the cattle shed. The main gate of their cattle shed was closed from inside and the complainant saw inside the gate that his father was on his bed. He called his father in a loud voice repeatedly but he did not reply to his calls. The complainant climbed over the main gate and went to his father and saw that dead body of his father was lying stained with blood. He was having injuries on his mouth, chest, hands and other parts of the body. Some unknown persons had committed murder of his father with sharp edged weapons. Thus, the present FIR.”

Learned counsel for the petitioner has argued that the case of the prosecution is based upon circumstantial evidence, wherein no specific role has been attributed to the petitioner as the alleged injuries to the victim Jagmail Singh (deceased) were caused by petitioner's father Harpreet Singh. According to him, the prosecution has relied upon the extra-judicial confession suffered separately by the accused persons before Satwinder Singh (Sarpanch) and as per the statement (Annexure P-1), the petitioner was standing outside the house of the victim, therefore, considering his custodial period, he be released on bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by ASI Amar Singh, on the ground that the petitioner and

his father shared the common intention as they suspected that the mother of the petitioner is having illicit relations with Jagmail Singh. According to him, the petitioner was guarding his father, who entered the house and committed the alleged crime. He, on instructions, further states that though the charges were framed on 29.01.2021, but no prosecution witness has been examined so far.

After hearing the learned counsel for the parties, considering the above background as well as custody of the petitioner, this Court is of the opinion that the material witnesses are either the Sarpanch of the village or the police officials and there does not seem to be any possibility of their being won over. Since the charges were framed on 29.01.2021 and the trial is yet to commence, therefore, its conclusion is likely to consume considerable time. 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 09.07.2020.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Ludhiana.

August 18, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No