

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

**CRM-M-36087-2020
Date of decision-17.02.2021**

Kartar Singh

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Piyush Sharma, Advocate for the petitioner.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.89 dated 03.08.2020 registered under Sections 302 and 341 Indian Penal Code, 1860 (Section 34 IPC added later on) at Police Station Ghall Khurd, District Ferozepur. The petitioner is in custody since his arrest on 06.08.2020.

The FIR was registered against unknown person on the basis of complaint moved by Manjit Kaur and the allegations as noticed by the learned Addl. Sessions Judge, Ferozepur in the order dated 12.10.2020 are as under:-

“Brief facts of the case are that present FIR has been registered against the unknown person on the basis of complaint moved by Manjit Kaur. Complainant states that she is resident of village Shehjadi and is working as an Anganwadi helper. Her parents and brother Tarsem Singh were also residing with her at village Shehzadi. About 1-1/2 years ago her father has expired and her mother and younger brother Tarsem Singh is residing at the same village on rent. Her younger brother is unmarried and Maison by profession. That on 2.8.2020 at about 7.00PM her mother and younger brother Tarsem

Singh were present in her house and after taking their meals about 9.30 PM they went back to their rented room. That on 3.8.2020 at about 5.00 AM her mother Pritam Kaur came and told the complainant and her husband Lakhwinder Singh that the body of Tarsem Singh is hanging with the fan of their rented room, then immediately complainant and her husband rushed to the room and saw that the body of Tarsem Singh was hanging with the hook of the ceiling fan. Both the hands of Tarsem Singh was tied backside with the piece of cloth. Thus, the FIR has been registered against unknown person.”

Learned counsel for the petitioner contends that as per the prosecution, victim (Tarsem Singh) went to sleep in his room along with his mother on intervening night of 2nd-3rd/8/2020 and was found hanging in the morning. He submits that the mother of the victim, who was sleeping with him narrated the said occurrence to her daughter and did not name anyone in the FIR and according to the allegations, some unknown persons had killed her son. As per the said version, the petitioner committed the crime as he suspected illicit relations between his wife and the victim. He submits that it is not believable that the mother of the victim would not wake up, when the alleged incident happened. He has further pointed out that the petitioner was taken in custody on 06.08.2020 and when his father gave a representation on 14.08.2020, he was formally arrested on 17.08.2020. Learned counsel contends that the case of the prosecution hinges upon the alleged extra judicial confession suffered by the petitioner before prosecution witness-Paramjit Singh on 10.08.2020. He submits that the final report has already been filed, therefore, further custody of the petitioner may not be necessary and prays for bail.

On the other hand, learned State counsel assisted by ASI Harpal Singh has opposed the prayer. He has argued that the hands and legs of the

victim were tied by a wire and the mother did not notice the said occurrence as she was asleep. He submits that as per postmortem report, victim died of asphyxia. On instructions, he further submits that the investigation of the case is complete and the challan stands filed on 11.11.2020.

After hearing the learned counsel for the parties, this Court finds that investigation of the case is complete, but the charges are yet to be framed, therefore, the trial is likely to take considerable time to conclude. Apart from it, material witnesses are either close relatives of the victim or the official witnesses, and there does not seem to be any possibility of there being won over. Presently, the petitioner is confined in judicial custody after his arrest on 17.08.2020, and his further detention may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, 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 concerned.

The petition is allowed.

17.02.2021

vanita

Whether speaking/reasoned :
Whether Reportable :

Yes
Yes

(MANOJ BAJAJ)
JUDGE

No
No