

**101+202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-26301-2021 in/and
CRM-M-40476-2020
Date of decision: 08.09.2021**

HARJINDER SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Brijeshwar Singh Bhalla, Advocate
 for the applicant-petitioner.

Mr. V.G. Jauhar, Sr. DAG, Punjab

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic)*

VIVEK PURI,J. (ORAL)

CRM-26301-2021

The applicant seeks to place on record the copies of the statements of
Angrej Singh (PW5) and Harjinder Singh (PW6), which are taken on record.

CM application is disposed of.

CRM-M-404766-2020

Custody certificate of the petitioner has been circulated through
e-mail today and the same is taken on record.

Harjinder Singh -petitioner is seeking regular bail in the case bearing
FIR No. 127 dated 01.07.2019 under Sections 302/201/120-B IPC, 1860,
registered at Police Station Ajnala, District Amritsar.

Briefly, the case has been registered on the basis of the statement of
Surinder Kaur alleging that her daughter Gurmeet Kaur was married with the
petitioner about 15-16 years prior to the occurrence and two children were born
from the wedlock. The petitioner was greedy in nature from the beginning. On

23.06.2019, Gurmeet Kaur-deceased came to the complainant and told that the petitioner and her brother-in-law Surinder Singh @ Sonu in connivance with each other are asking her to get the share in the parental property to which she never agreed. The petitioner along with the co-accused threatened to kill her in the event the demand was not met.

On 30.06.2019, at about 11/12 AM the complainant was telephonically informed by someone that her daughter has been killed by her in-laws and are making preparation for cremation. The complainant along with her relatives reached village Jafarkot at about 4.00 PM and the dead body was being cremated in the cremation ground. The petitioner, his brother Surinder Singh @ Sonu and Phuman Singh were cremating the dead body and they ran away on seeing the complainant.

It has been contended by the learned counsel for the petitioner that Gurvinder Kaur, PW-1 (mother of the deceased), PW-2 Karamjit Singh (cousin), PW-3 Sarabjit Kaur (sister) and PW-4 Balwinder Singh (cousin), Angrej Singh PW-5 (before whom the accused had allegedly made extra judicial confession) and Harjinder Singh PW-6 (uncle) have not supported the prosecution version, the cause of death could not be ascertained in this case, the petitioner is in custody for the last more than two years and is not involved in any other case.

Learned State counsel has not disputed the fact that the aforesaid witnesses have not supported the prosecution version but has opposed the bail application on the score that there are serious allegations with regard to the commission of murder and cremation of the body to cause the evidence to disappear. Out of 17, 8 witnesses have been examined. Furthermore, the co-accused, namely, Surinder Singh has been declared proclaimed offender.

Be that as it may, in the event one of the co-accused has been declared proclaimed offender, he will suffer the consequences for the lapse on his part. Furthermore, the complainant and other material witnesses have not supported the prosecution version. The petitioner has undergone imprisonment of actual custody of two years, two months and one day. The conclusion of the trial is likely to take some more time on account of restricted hearing of the Courts due to Covid-19 Pandemic. As such, no fruitful purpose will be served by detaining the petitioner in further custody and sufficient mitigating circumstances are made out to extend the concession of the bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

08.09.2021
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No