

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

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**CRM-M NO.41454 of 2020
Date of decision : 12.01.2021**

Avtar Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Karanjeet Singh Brar, Advocate
for the petitioner.

Mr. R.S.Khaira , AAG, Punjab
for respondent-State.

HARINDER SINGH SIDHU, J.

The case is taken up through video conferencing on account of
COVID-19.

This is a petition filed under Section 439 Cr.P.C. for grant of
bail in case FIR No. 203 dated 25.11.2018, registered under Sections 407,
34 IPC (Sections 302, 364, 120 B, 201, 379, 342 IPC added later on) at
Police Station Sadar Dhuri, District Sangrur.

FIR was registered initially on 25.11.2018 at Police Station
Sadar Dhuri, District Sangrur on the complaint of one Harpreet Singh who
stated that he had engaged Balwinder Singh as a driver for his trolly. On
18.11.2018, trolly was loaded with 480 bags of paddy each weighing 50 kg
for delivering the same to KRBL Factory, Bhasaur. Balwinder Singh was
accompanied with his nephew Pargat Singh. The complainant spoke to
Balwinder Singh on his mobile on 19.11.2018 when he was informed that
they have reached Bhasaur. On 20.11.2018, Balwinder Singh again

informed the complainant that he was standing outside KRBL Factory, Bhasaur and their turn for unloading the paddy has not come. When complainant tried to speak to Balwinder Singh on 21.11.2018, his mobile was switched off. The complainant went to KRBL Factory, Bhasaur but he could not locate trolla or Balwinder Singh. As he was unable to locate his trolla, FIR under Section 407 IPC was recorded. On 22.11.2018, trolla alongwith Pargat Singh was found. The dead body of Balwinder Singh was found on 29.11.2018.

On 14.3.2020, complainant Harpreet Singh got recorded supplementary statement in which he alleged that he had made inquiries from his friends and relatives and came to know that Balwinder Singh has been murdered by Avtar Singh alias Tari (petitioner), Satvir Singh alias Bagga after kidnapping him alongwith his trolla in connivance with Parshotam Singh alias Leela and Binder Singh alias Nikka. They took the trolla and sold the paddy loaded in trolla.

Avtar Singh(petitioner) and Satbir Singh were arrested on 12.3.2020. Their statements were recorded on 14.3.2020 in which they admitted that they have murdered Balwinder Singh alongwith 4 other co accused.

Learned counsel for petitioner has argued that petitioner is not named in FIR. Supplementary statement was recorded after 2 years of alleged incident. In his supplementary statement, complainant has not disclosed any material on the basis of which he has concluded that Balwinder Singh had been murdered by Avtar Singh (petitioner) and other co accused. He states that other than supplementary statement, there is no material to connect petitioner with crime and that the trial of case has not

made any headway because of COVID 2019.

In view thereof, no useful purpose will be served by detaining petitioner behind bars till the conclusion of trial. Accordingly, petition is allowed. Petitioner Avtar Singh is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

12.01.2021
Rajeev (rvs)

(HARINDER SINGH SIDHU)
JUDGE

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