

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

I) CRM-M-1147-2021 (O&M)

Parvinder Singh ... Petitioner

Versus

State of Punjab ... Respondent

II) CRM-M-4608-2021 (O&M)

Rajinder Kaur @ Maro ... Petitioner

Versus

State of Punjab ... Respondent

Date of Decision:-5.4.2021

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ankit Grewal, Advocate,
for the petitioner in CRM-M-1147-2021.

Mr. G.S. Sandhu, Advocate,
for the petitioner in CRM-M-4608-2021.

Mr. Sandeep Singh Deol, DAG, Punjab,
assisted by SI Karamjit Singh.

Mr. Nitish Garg, Advocate for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. This order shall dispose of the above mentioned two petitions filed on behalf of petitioners Parvinder Singh and Rajinder Kaur @ Maro seeking grant of regular bail in respect of a case registered vide FIR No.181 dated 21.7.2019 at Police Station Civil Lines, District Patiala under Sections 302 and 34 of Indian Penal Code, wherein offences under Sections 201 and 120-B of Indian Penal Code were added later on.
2. The FIR was lodged at the instance of Charanjit Dass, wherein it is alleged that on 18.7.2019 his brother Harmail Dass (deceased) left home at about 9:00 a.m. in the morning on his motorcycle to attend to his duties. However, he did not return back in the evening. The complainant and others started search for his brother and found his dead-body in artificial water canal of Bhakra Shutrana and which was found to be bearing injuries on his head with sharp edged weapon. The complainant suspected that his brother had been murdered by some unknown persons.
3. Learned counsel for the petitioners have submitted that it is a case of blind murder based on circumstantial evidence and that the petitioners are sought to be implicated on the basis of extra judicial confession allegedly made before sister of the deceased and also on the basis of disclosure statement of co-accused Parvinder Singh.
4. Opposing the petition, the learned State counsel assisted by learned counsel for the complainant has submitted that during the course of investigation it had surfaced that the co-accused Jagdev Dass was having illicit relations with wife of deceased i.e. the petitioner Rajinder Kaur @ Maro, and a plan had been made by him alongwith co-accused to eliminate Harmail Dass. It

has further been submitted that the petitioner Parvinder Singh in his disclosure statement admitted that he as well as Jagdev Dass had caused injuries to the deceased and had thrown his dead body and his motorcycle in the canal. It has been submitted that it was at the instance of Parvinder Singh that the sword used for causing injuries was recovered. It has further been submitted that even the motorcycle in question was recovered from the canal at the instance of Parvinder Singh. The learned State counsel has informed that as on date only 2 out of cited 19 PWs have been examined. The learned State counsel has, however, informed that the petitioners have been behind bars since the last more than 1 year and 8 months and that they are not involved in any other case.

5. I have considered rival submissions addressed before this Court.
6. It is not disputed that it is a case based totally on circumstantial evidence, wherein neither anybody is named in the FIR nor anybody had seen the alleged occurrence. The prosecution mainly relies upon extra judicial confession allegedly made by the accused before sister of the deceased. Since sister of the deceased namely Paramjit Kaur @ Ram Murti would be an interested witness, her statement would be required to be examined with caution. The other evidence is in the shape of disclosure statements of the accused themselves, the admissibility and veracity of which would be debatable. In any case, since both the petitioners have been behind bars for a substantial period of more than 1 year and 8 months and conclusion of trial is likely to consume time as till date only 2 out of cited 19 PWs have been examined, further detention of the petitioners, who are not stated to be involved in any other case, will not serve any useful purpose. Both the

petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

5.4.2021

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No