

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.52306 of 2019 (O&M)
Date of Decision: March 05, 2021

Avtar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Deepak Gupta, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.84 dated 20.07.2018, under Sections 302, 34 IPC, 1860 and Sections 201, 120-B and 149 IPC (added later on), registered at Police Station, Jaitu, District Faridkot. The petitioner is in custody since his arrest on 21.07.2018.

The above FIR was registered on the basis of the statement given by Mohinder Singh son of Jeeta Singh, who alleged that his elder son Jagsir Singh had gone along with Angrej Singh (cousin of Jagsir Singh) and left the house on 13.05.2018 to visit Ramana Albel Singh. On 14.05.2018 at about 8.30 AM, the complainant received a message that the dead body of his son Jagsir Singh was lying at railway line. The complainant, during the course of proceedings under Section 174 Cr.P.C., identified the dead body. According to the complainant, his son did not die in a railway accident and

suspected murder.

Learned counsel for the petitioner has argued that the case of the prosecution is based upon circumstantial evidence and the co-accused of the petitioner, namely, Sarabjit Kaur, Jagpal Singh @ Jagga and Kulwinder Singh, have already been released on regular bail vide orders dated 10.04.2019 and 20.11.2019 (Annexures P-2 and P-3). He submits that the complainant has already been examined as PW-1 before the trial court, and invited the attention of the court to his testimony. Learned counsel submits that the trial will take long time to finished, and prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by SI Mohinder Singh, on the ground that the offence is serious. He further submits that initially the final report was filed against three accused, namely, Angrej Singh, Sarabjit Kaur and Avtar Singh, but later on, upon an application given by complainant, an inquiry was conducted and three more accused persons, namely, Makhan Singh, Jagpal Singh @ Jagga and Kulwinder Singh @ Kinda were also arraigned as an accused. He, on instructions, states that nineteen witnesses still remain to be examined on behalf of the prosecution.

After hearing the learned counsel for the parties, considering the custody of the petitioner and the fact that similarly situated co-accused of the petitioner have already been released on regular bail, this Court is of the opinion that the further custody of the petitioner may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 21.07.2018. Further, the prosecution is yet to examine its remaining witnesses and it may take considerable time to conclude the trial.

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/Duty Magistrate, Faridkot.

**March 05, 2021
ramesh**

**(MANOJ BAJAJ)
JUDGE**

**Whether speaking/reasoned
Whether Reportable:**

**Yes/No
Yes/No**