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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 06.07.2022

1. CRM-M No.1065 of 2022 (O&M)

Karamvir Singh @ Krishan Singh

....Petitioner

Versus

State of Punjab

....Respondent

2. CRM-M No.20227 of 2022 (O&M)

Jagatveer Singh @ Jagta

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rahul Sharma-I, Advocate
for the petitioner (in CRM-M-1065-2022)

Mr. Saurav Bhatia, Advocate
for the petitioner (in CRM-M-20227-2022)

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in the 2nd petition of the petitioner – Karamvir Singh @ Krishan Singh and in the 1st petition of the petitioner – Jagatveer Singh @ Jagta, is for grant of regular bail filed under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.103 dated 28.05.2019, for offence punishable under Sections 302, 201, 120-B and 149 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Nathana, District Bathinda.

Counsel for the petitioner (in CRM-M-1065-2022), at the

very outset, has submitted that this is the 2nd petition and the earlier one was dismissed on 29.07.2021 and the changed circumstances is that now, all the material prosecution witnesses have been examined and they have not supported the prosecution version.

Counsel for the petitioner has further submitted that even another co-accused namely Akashpreet Singh @ Laddi, whose application was earlier dismissed vide order of even date i.e. 29.07.2021, has been granted the concession of regular bail by the trial Court.

Brief facts of the case, as noticed in the order dated 29.07.2021 passed in CRM-M Nos.15503 & 39648 of 2020, reads as under:-

“Learned counsel for the petitioners submit that the FIR was registered at the instance of one Naib Singh with the allegations that his son Ram Singh had absconded from the house, as he was involved in a murder case registered against him. The complainant was persuading him to appear before the police and by agreeing to the same, he came to the village on 22.05.2019. The complainant made him to sit in his fields so as to produce him before the police in the next morning. In the meantime, four persons namely Jaman Singh, Balyadpreet Singh @ Yadi, Lakhvir Singh @ Lakha and Karamjit Singh came in Swift car bearing registration No.PB-29-5867. Jaman Singh, Lakhvir Singh @ Lakha and Balyadpreet Singh @ Yadi were carrying pistols in their hands and Karamjit Singh was holding a double barrel gun. They asked Ram Singh to accompany them. On this, Ram Singh said that he is going to surrender before the police. All of them threatened his son and made him to sit in the car against his consent. Thereafter, whereabouts of Ram Singh are not known and the complainant, by making communication with his family, friends and relatives, tried to locate him. In the meantime, the accused named above told him that they have eliminated his son Ram Singh. The police, thereafter, arrested aforesaid four accused persons.

Learned counsel for the petitioners further submit that on the basis of supplementary statement of the complainant, petitioners Karamvir Singh @ Krishan Singh, Bharti Singh @ Dharam Singh and Akashpreet Singh @ Laddi were also nominated and they were arrested. It is further submitted that the petitioners have been nominated later on, after a gap of 10 days of the incident and even the FIR was registered after 06 days. It is also submitted that the investigation is complete and nothing is to be recovered, as it is case of the prosecution that dead body was not recovered and it was cremated, as an unclaimed body. It is next submitted that the petitioners are in long custody, therefore, they may be released on regular bail.”

Counsel for the petitioner(s) has relied upon the statement of PW-3 Naib Singh, the person, who got the FIR registered, to submit that he has specifically stated in his examination-in-chief that he had seen the accused in the Court but he do not identify them. This witness was declared hostile and in his cross-examination, conducted by the Public Prosecutor, he has even denied the statement Mark A, given to the police.

Counsel for the petitioner(s) has also relied upon the statement of HC Sunil Kumar, who appeared as PW-1, to submit that this witness stated that the dead body was not identified by any person.

Counsel for the petitioner(s) has, then referred to the statement of PW-2, Buta Ram, who was also declared hostile as he did not support the prosecution version and even, in his cross-examination by Public Prosecutor, he denied having made any statement to the police.

Counsel for the petitioner(s) has further argued that even while granting bail to the co-accused Akashpreet Singh @ Laddi, the

trial Judge has noticed that there is no eye-witness to the murder of the deceased Ram Singh and the complainant has not been examined and one of the PW i.e. Jaspreet Kaur, is given up, therefore, neither the complainant nor any private/eye-witness has supported the prosecution version.

Counsel for the petitioner (in CRM-M No.20227 of 2022) has also submitted that the petitioner – Jagatveer Singh @ Jagta, was not even named in the FIR at the initial stage and his name surfaced in the case on the basis of the supplementary statement of one Ankit.

Counsel for the petitioner(s) has, lastly contended that both the petitioners are in custody for the last more than 03 years and since all the material witnesses, including the complainant, have been examined, they may be granted the concession of bail.

Counsel for the State, on the basis of the affidavit of the Investigating Officer (filed in CRM-M No.1065 of 2022), has submitted that on verification of the contents of the FIR, the statement of the prosecution witnesses were recorded, however, on instructions from ASI Jaswinder Singh, it is submitted that the petitioner is involved in 03 more FIRs but it could not be disputed that the material witnesses have not supported the prosecution version.

Without commenting anything on merits of the case, considering the fact that the petitioners are in custody for the last more than 03 years; the co-accused of the petitioners, is already released on bail; the material witnesses, including the complainant have not supported the prosecution version; the custodial interrogation of the petitioners is not required and the conclusion of the trial will take some

time, both these petitions are allowed and the petitioners namely Karamvir Singh @ Krishan Singh and Jagatveer Singh @ Jagta, are directed to be released on bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioners, in case they are found involved in any other case or misusing the concession of bail, in any manner.

A photocopy of this order be placed on the file of other connected case.

(ARVIND SINGH SANGWAN)
JUDGE

06.07.2022
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No