

227 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3586-2022

Date of decision : 05.04.2022

Jarmanjit Singh @ Bhichu Kala

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. L.M.Gulati, Advocate for the petitioner.
Mr. Ramandeep Singh Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.10 dated 18.01.2019 under Sections 302 and 34 Indian Penal Code, 1860 registered at Police Station Mehta, District Amritsar, who is in custody since his arrest on 27.01.2019.

The contents of the FIR as noticed by the Sessions Judge, Amritsar in his order dated 17.08.2021 are as under:-

“As per allegations appearing on the record, on 17.01.2019 at about 7.30 p.m., Baldev Singh alias Deba, younger son of complainant Dial Singh, had gone to the tubewell but did not come back. Many a times, they called him on his mobile No.97811-34273 but all the times same was found switched off. The complainant alongwith his wife went to the tubewell but could not trace their son. In the morning at about 7.00 a.m., complainant alongwith his daughters-in-law Rajinder Kaur and Rajbir Kaur and nephew Satnam Singh went to the tubewell and searched his son. When with the help of torch, they saw in the old well situated near the tubewell and they found that deadbody of Baldev Singh alias Deba was lying in the said well. According to the complainant, he was having full belief that applicant/accused Jarmanjit Singh alongwith Happy had inflicted injuries to his son and thereafter thrown his dead body in the well. The motive behind the occurrence is alleged to be a land dispute.”

Learned counsel for the petitioner has argued that case of the petitioner is based upon circumstantial evidence and the petitioner along with

co-accused, namely, Happy was indicted on suspicion expressed by complainant, Dayal Singh, father of deceased (Baldev Singh). He submits that after completion of investigation, co-accused was declared innocent and after commencement of trial, the material witnesses: relating to last seen (Lakhwinder Singh); extra judicial confession of Salwinder Singh and Bakshish Singh (father-in-law of deceased) have already been examined, but still the trial is likely to consume considerable time to conclude, therefore, he be released on bail.

On the other hand, learned State counsel assisted by HC Harpreet Singh, while opposing the prayer has argued that the application for summoning the accused-Happy under Section 319 Cr.P.C. was moved, but the same is pending, however, it is not disputed that the material prosecution witnesses have been examined. According to him, 12 prosecution witnesses remain to be examined out of total 24 witnesses.

Considering the above background, custody of the petitioner, and the fact that the material witnesses have been examined, this Court is of the opinion that as the conclusion of trial is likely to consume considerable time, therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 27.01.2019.

Resultantly, without meaning any expression of opinion on the merits of the case, 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 concerned.

The petition is allowed.

05.04.2022

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Whether speaking/reasoned :
Whether Reportable :

Yes
Yes

(MANOJ BAJAJ)
JUDGE

No
No