

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-4420-2022

DATE OF DECISION: 25.08.2020

ASHOK KUMAR ALIAS VICKY

... Petitioner (s)

Versus

STATE OF PUNJAB

... Respondent(s)

CRM-M-3041-2022

SHIVA

... Petitioner (s)

Versus

STATE OF PUNJAB

... Respondent(s)

CRM-M-5150-2022

SADAM HUSSAN ALIAS SUDAM

... Petitioner (s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Tejinder Pal Singh, Advocate
Mr. R.D. Rattewal, Advocate
Mr. K.S. Dadwal, Advocate
for the petitioner(s).

Mr. Arun William, Asstt. AG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

This order shall dispose of three aforementioned regular bail petitions which have been arisen out of the same FIR.

The petitioners are seeking regular bail in FIR No.09 dated 18.01.2020, under Section 460 IPC (later on Section 460 IPC was deleted and Sections 302, 120-B, 182, 177 IPC added during investigation), registered at Police Station Sadar Banga, District SBS Nagar.

Learned counsel for the petitioners contends that the deceased was allegedly killed at the behest of his wife and daughter. The petitioners are alleged to have executed the murder at the behest of the wife and daughter. He, however, submits that the wife of the deceased has expired and his daughter Amandeep Kaur has been granted regular bail by this Court in CRM-M-39862 of 2020. The motive appears to be weak as it is alleged that the deceased who was residing in Lebanon used to send money and gold to his wife and on her failure to account for the same, there was a dispute and his murder was executed. The wife of the deceased earlier stated to have submitted to the police that she does not suspect any particular person for the murder. The petitioners have been arraigned as an accused on the statement of Sukhwinder Singh, Ex-Sarpanch of the village that the wife and daughter of the deceased had made an extra judicial confession before him that they had got the murder executed. Although it is alleged that the petitioners were hired to execute the murder but no money trail has been unearthed by the investigating agency. He also submits that although blood stained knife is stated to have recovered from the petitioners but there is no DNA report to indicate that it was smeared with the blood of the deceased. He also submits that Sukhwinder Singh, Ex-Sarpanch in his deposition before the trial Court has not supported the prosecution case. He also contends that the co-accused Amandeep Kaur has been granted regular bail by this Court in CRM-M-39862-2020 on 23.11.2021. The petitioners are in custody for over 2 ½ years since their arrest on 19.01.2020 and they are not involved in any other case.

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Learned State counsel, upon instructions from ASI Sikander Pal, states that 5 out of 22 prosecution witnesses have been examined. He, however submits that recovery of three mufflers, three gloves, one knife, pillow and other articles was effected from the petitioners. The blank cheques are stated to have been recovered from the co-accused Jaswinder Kaur. He also submits that in view of the serious allegations against the petitioners, they are not entitled to the concession of regular bail.

Heard.

In view of the above, especially when the co-accused has been granted bail, the petitioners are in custody for over 2 ½ years and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioners.

Therefore, without expressing any opinion on the merits of the case, the aforementioned petitions are allowed. The petitioners therein are ordered to be released on regular bail on furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

25.08.2020.

SwarnjitS

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