

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-4283-2022

Date of Decision: 25.7.2022

Gurrajan Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. O.P.Kamboj, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.21 dated 25.2.2021 registered for the offences punishable under Sections 302, 34 IPC (Sections 364, 404, 201, 120-B, 34 IPC added later on) at Police Station City Zira, District Ferozepur.

Counsel for the petitioner submits that FIR in this case was registered against unknown persons for committing murder of Angrej Kaur, mother of complainant Sukhdeep Singh. He further submits that the petitioner was nominated as accused only on the basis of supplementary statement of the complainant. He further submits that the petitioner who is in custody for the last more than one year and four months has been falsely implicated in the present case at the instance of the complainant alleging that the petitioner is friend of Rajwinder Singh who is having illicit relations with co-accused Sarabjit Kaur wife of the complainant. Counsel

for the petitioner further contends that no incriminating article except for one alleged *muffler* was recovered from the possession of the petitioner. He further submits that during the trial, the complainant and husband of the deceased are already examined and no purpose will be served by keeping the petitioner in custody for any further period.

Present petition is opposed by the State counsel who submits that the petitioner along with Rajwinder Singh and Sarabjit Kaur is facing trial with regard to murder of Angrej Kaur mother of the complainant. State counsel further submits that Sarabjit Kaur conspired with the petitioner and Rajwinder Singh and all three of them killed Angrej Kaur. However, State counsel has not refuted the fact that the complainant and his father have already been examined during the trial.

I have considered the submissions made by the counsel for the parties.

The petitioner was not named in the FIR. He was later on, arraigned as accused on the basis of the supplementary statement of complainant-Sukhdeep Singh. The complainant and his father Balwinder Singh have already been examined and copies of their testimonies are placed on record by the counsel for the petitioner. As per custody certificate, the petitioner is behind bars for the last more than one year and four months and is having no criminal antecedents. Present case is based on circumstantial evidence. Also there is no apprehension that if released on bail, the petitioner is going to pressurize and try to won over the complainant and his father as both of them have already testified in the trial Court.

It will take time for conclusion of trial. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

July 25, 2022
Paritosh Kumar

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