

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-5861-2022 (O&M)

Date of Decision:- 2.12.2022

Jasvir Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Munish Kumar Garg, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.
assisted by ASI Satywan.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of regular bail in a case registered vide FIR No. 150 dated 14.7.2020 under Sections 302/120-B/34 IPC at Police Station Nathusari Chopta, District Sirsa.
2. The FIR was registered at the instance of Gauri Shankar wherein it is alleged that after death of his father, his uncle (Mama) namely Bharat Singh had been taking care of the family. However, since complainant's mother Santro, aged 65 years, started residing with one Jallandhar Singh, the uncle of the complainant stopped visiting their house. On account of a rift having developed between the complainant and his mother, the complainant shifted to village Chopta alongwith his family. Though, the complainant and his

sister tried to reason out with their mother but she continued staying with Jallandhar Singh. On 14.7.2020, at about 3 p.m., the complainant came to know that his mother Santro and Jallandhar Singh have been murdered by some unknown persons. The complainant furnished the said information to the police and the FIR was accordingly lodged.

3. It is further the case of prosecution that on 16.7.2020, the petitioner Jasvir Singh was arrested by the police who disclosed that he was having friendship with Sonu, maternal grandson of Santro. He disclosed that on 3.12.2020 when he was present in the village, then Sonu accompanied by Ajay came there on a motorcycle carrying two iron '*gandasis*' and motorcycle chain. Sonu told Jasvir Singh that since his maternal grandmother was having illicit relationship with Jallandhar Singh, therefore, he (Jasvir Singh) had to face harassment and insult in the society. Jasvir Singh further disclosed that Sonu told him that Brijlal had informed him that Jallandhar Singh was present in the house of his maternal grandmother and that they are going to finish him. Jasvir Singh (petitioner), Sonu and Ajay proceeded on a motorcycle driven by Sonu Kumar and reached the house of Sonu's maternal grandmother at about 9 p.m. They consumed liquor and then at about 12 mid-night, Ajay and Sonu took a '*gandasi*' and motorcycle chain and proceeded towards the house of Sonu's maternal grandmother, while Jasvir Singh stood outside with the motorcycle. After a short while, Sonu carrying a '*gandasi*' and a brick came out and said that they had accomplished their job.
4. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that he has no motive whatsoever to eliminate Jallandhar Singh and Santro. The learned counsel

has drawn the attention of this Court to the statement of PW-1 Gauri Shankar (complainant), as recorded in the Court wherein during the course of cross-examination, he stated that he and his sister were having cordial relations with their mother and there was no dispute as regards land with their mother, which was being cultivated by his cousin Dharampal. He further stated during cross-examination that infact the family of Jalandhar Singh was not happy with him (Jalandhar Singh) as he had been giving his entire earnings to complainant's mother and that infact members of the family of Jalandhar Singh had even threatened complainant's mother. He also stated that the police had obtained his signatures on blank papers. The learned counsel has also drawn the attention of this Court to the testimony of PW-2 Surjit Singh (father of Jalandhar Singh) who stated that since his son Jalandhar Singh had been visiting the house of Santro, Sonu the maternal grandson of deceased Santro used to raise objections and nursed an apprehension that Jalandhar Singh and his family were going to grab the property of Santro.

5. The learned counsel for the petitioner has submitted that it is a case of blind murder wherein two different explanations are being projected by two different prosecution witnesses i.e. PW-1 Gauri Shankar and PW-2 Surjit and that while PW-1 Gauri Shankar is attributing motive to the family of Jalandhar Singh, PW-2 Surjit Singh is attributing the motive of murder to the grandson of Santro i.e. Sonu and others.
6. The learned counsel has further submitted that in any case, the petitioner even as per the disclosure statement of co-accused Jasvir Singh had remained standing outside the house of deceased while it is the co-accused Sonu and Ajay who had committed the murder. It has further been

submitted that since the petitioner has been behind bars for about 2 years and 4 months and trial has been proceeding at snail's pace, the petitioner deserves the concession of bail, particularly since a *de-novo* trial is going to commence upon summoning of Brijlal as an additional accused.

7. Opposing the petition, the learned State counsel has submitted that since the name of the petitioner figures in the disclosure statement of co-accused and since even the call details record/tower location record in respect of the mobile of the petitioner also points towards his involvement, his complicity cannot be doubted. The learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last 2 years and 4 months and that as on date only 5 out of the cited 25 prosecution witnesses have been examined and that now the said witnesses will be required to be examined afresh consequent upon summoning of Brijlal as an additional accused. The learned State counsel has also informed that the petitioner otherwise is not involved in any other case.
8. This Court has considered rival submissions addressed before this Court.
9. Admittedly, it is a case based on circumstantial evidence. Although, 5 out of the cited 25 prosecution witnesses have been examined but upon summoning of additional accused Brijlal, the trial has to start afresh which would mean that conclusion of trial is likely to consume substantial time. The petitioner has been behind bars for a substantial period of 2 years and 4 months. In these circumstances, further detention of the petitioner will not serve any useful.

10. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

2.12.2022
kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No