

214 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11658 of 2021(O&M)
Date of Decision: 06.09.2022

Makhan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Jashandeep Singh Sandhu, Advocate
For the petitioner.**

Mr. M.S. Joshi, Addl. AG Punjab.

**Mr. K.S. Mamrat, Advocate
For the complainant.**

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case having FIR No. 137 dated 27.09.2020, registered under Sections 460, 302, 380 read with Section 34 IPC at Police Station Dhanoula, District Barnala, to which Sections 411, 115, 120-B, 201, 148 and 149 IPC were added lateron.

The counsel for the petitioner submits that as per the allegations appearing in the FIR, on the night intervening 26/27.09.2020 some unknown persons break open the office of Muthoot Finance Company and murdered Kishan Dev Rajak who was sleeping in the back portion of the said premises. The counsel for the petitioner further submits that subsequently the petitioner was arrested in October, 2020 on the ground that he along with

co-accused Gaurav Kumar and Harmanpreet Singh suffered extra judicial confession before one Paramveer Singh regarding their involvement in the aforesaid incident. The counsel for the petitioner further submits that after completion of investigation the police presented the challan and thereafter charges were framed and now trial is going on and prosecution has already examined material witnesses including PW.1 complainant Rajan Chaudhary, PW2 Kesar Singh, aforesaid Paramveer Singh as PW3 and PW4 Dinesh Kumar. All the aforesaid prosecution witnesses in their deposition have not said anything against the petitioner. The counsel for the petitioner further submits that it will take considerable time for the trial to terminate and as such no purpose is going to be served by keeping the petitioner in custody for any longer period.

The present petition is contested by the State counsel as well as counsel for the complainant. The status report filed by way of affidavit of Satvir Singh, Deputy Superintendent of Police (SD), Barnala along with Annexure R-1 is taken on record.

I have heard the learned counsel for the parties.

Admittedly, the FIR in the present case was registered against unknown persons for committing murder of Kishan Dev Rajak who was sleeping in the office of Muthoot Finance Company when they broke open the said office during the night time. There are allegations that the petitioner suffered extra judicial confession before Paramveer Singh regarding his involvement in the aforesaid occurrence and accordingly he was arraigned as accused and was arrested on 03.10.2020 and is presently lodged in judicial custody. As per the aforesaid status report the State has not disputed the fact

that Rajan Chaudhary, Kesar Singh, Paramveer Singh and Dinesh Kumar have already been examined and they have not supported the version of the prosecution and declared hostile by the trial Court. Admittedly, it will take time for the trial to conclude.

In view of the above, no purpose is going to be served by detaining the petitioner in custody for any longer period. Thus, 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.

06.09.2022

Jiten

**(KARAMJIT SINGH)
JUDGE****Whether speaking/reasoned : Yes/No****Whether reportable : Yes/No**