

In virtual Court

CRM-M-9046-2020

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

**CRM-M-9046-2020 (O&M)
Date of decision: 21.02.2022**

Surjeet Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. P.S. Brar, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.48 dated 09.06.2000 under Sections 302, 307, 364, 148, 149, 120-B IPC and Section 25 of Arms Act, registered at Police Station Amargarh, District Sangrur.

Learned counsel for the petitioner, at the very outset, submits that the petitioner is aged about 75 years and was extradited on 22.01.2019, though he was arrested on 09.01.2012 by the Canadian Authorities. Learned counsel has relied upon the order dated 16.12.2020 passed in CRM-M-41878-2019, vide

which sister of the petitioner/co-accused Malkiat Kaur Sidhu @ Malkit Kaur Sidhu was granted the concession of regular bail by this Court, by making the following observations: -

“...The allegations against the petitioner have been levelled by Sukhwinder Singh the complainant who alleged that he entered into love marriage with one Jaswinder Kaur @ Jassi (since deceased) on 15.04.1999 against the wishes of the girl's parents who all are residents of Canada and had come to India on a vacation. It is alleged that on 08.06.2000 around 09.30 p.m. while the complainant and Jaswinder Kaur deceased were coming on scooter, one Maruti Car accosted them near the bridge of the drain. Out of the car four armed persons alighted and attacked the scooterists. Jaswinder Kaur died as a consequence of these injuries whereas the complainant was hospitalized. The allegations against the petitioner who happens to be the mother of Jaswinder Kaur is that perturbed over the solemnization of marriage between the complainant and daughter of the petitioner, the latter in connivance with her co-accused Hardev Singh @ Mintu had hatched a conspiracy to eliminate the couple and paid Rs.5,00,000/- to the contract killers.

Shri P. S. Brar learned counsel for the petitioner inter alia contends that the petitioner had remained behind the bars for more than 07 years and 08 months from the date of her extradition

proceedings till date and the fact that on account of Covid 19 there is every likelihood the trial may be prolonged and prayed for grant of bail.

Mr. J.S. Ghuman learned State counsel has strongly opposed the bail on the grounds that the petitioner is resident of Canada and if allowed bail she might abscond and also influence the witness, thus, jeopardising the interest of the State.

Going through the submissions, it is not displaced by the two sides that the petitioner is an aged lady and had undergone incarceration of more than 07 years and 08 months. The only allegations against the petitioner are that being mother had been instrumental in the attack leading to death of one of the persons and injuries of others.

The submissions of the two sides if preventive custody for extradition can be taken as judicial custody is subject matter to be adjudicated at the appropriate stage of the proceedings. More so, in view of pandemic, there is every likelihood that the trial might be prolonged. In the light of substantial detention already undergone by the petitioner keeping in view her age and that she is a lady impels this court to allow the present petition subject to his furnishing of bail bonds and surety bonds in the sum of Rs.20,00,000/- with two local sureties to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned with further

conditions that she will surrender her passport if already not taken into custody by the police. She will give an undertaking that she will not leave the country without orders of the Court and would be regularly appearing each and every date of hearing before the Court...”

Learned counsel for the petitioner further submits that co-accused Malkiat Kaur Sidhu @ Malkit Kaur Sidhu is mother of deceased Jaswinder Kaur @ Jassi and the petitioner is his maternal uncle and only allegation against him is of conspiracy.

Learned State counsel, on the basis of affidavit of Inspector Sukhpal Singh, former SHO, Police Station Amargarh, District Sangrur, could not dispute that as per information received from the Deputy Legal Advisor, IS-II Division, Ministry of Home Affairs, detention of petitioner Surjeet Singh as well as co-accused Malkiat Kaur Sidhu @ Malkit Kaur Sidhu in Canada is deemed to be judicial custody. It is submitted that three co-accused of the petitioner, namely Joginder Singh, Hardev Singh and Darshan Singh have already been convicted for life imprisonment and in the instant case also, out of total 64 prosecution witnesses, 17 PWs have already been examined. In the affidavit of

Learned State counsel, on the basis of second affidavit of Senior Superintendent of Police, District Malerkotla, has submitted that investigation has been conducted against 11 persons regarding the allegations of conspiracy that by paying ransom of Rs.5.00 lacs, a plot was made to kill Jaswinder Kaur.

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Learned counsel for the petitioner, in reply, has submitted that the petitioner is in long custody of 03 years and 21 days; he is not involved in any other case; conclusion of the trial will take some time and considering old age of the petitioner, who is suffering from health related problems, he may be granted the concession of regular bail.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid submissions and the fact that the petitioner is an old age person; he is in long custody of 03 years and 21 days in India and about 07 years in Canada and is not involved in any other case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds and subject to the conditions that his passport will not be released; he will not leave the country without prior permission of the Court and will regularly appear before the trial Court on each and every day, to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

21.02.2022
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No