

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

CRM-M-14718-2021

Date of Decision: 05.08.2022

SANDEEP SINGH

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Amitabh Tewari, Advocate and
Mr. Satvik Bansal, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

VIVEK PURI, J.(ORAL)

The petitioner is seeking regular bail in case bearing FIR No.128 dated 01.08.2019 under Sections 302 and 34 IPC registered at Police Station Anaj Mandi, District Patiala.

Custody certificate has been placed on record.

Learned counsel for the petitioner contends that the FIR in the instant case has been registered on the basis of the statement of Parhlad Singh, the father of the deceased alleging that his daughter, aged about 19 years, went missing on 17.07.2019. The FIR has been lodged after a delay of two weeks. Furthermore, the entire case of the prosecution hinges on circumstantial evidence. The dead body of the deceased was recovered on 23.07.2019 and the cause of death was *asphyxia* due to strangulation which was sufficient to cause death in the ordinary course of nature. Though, viscera was sent for chemical examination, but no poison has been detected. The complainant got recorded his supplementary statement on 07.08.2021 alleging that the deceased, who was working in a show-room of Pantaloon in Omax Mall, Patiala and was on friendly terms with the petitioner. She had withdrawn a sum of Rs.1,80,000/- from her bank account and the petitioner had committed the murder on account of greed. The incriminating evidence against the petitioner is the last seen evidence in the form of statements of Dilbagh Singh and Simranjeet Singh and recovery of the cash and some articles alleged to be of the deceased at the instance of the petitioner. The petitioner is in custody for a period of 02 years, 11 months

and 28 days. The statements of the father of the complainant as well as both the witnesses to the last seen evidence has been recorded. Even Dilbagh Singh and Simranjeet Singh had seen the deceased in the company of the petitioner and his co-accused on 20.07.2019 and they remained silent till their statements were recorded on 11.08.2019. The main private witnesses have been examined and as such, it cannot be said that the petitioner can win over the witnesses. So far only 3 out of 27 witnesses have been examined.

Learned State counsel has opposed the bail application on the score that serious allegations with regard to commission of murder of the deceased, who was aged about 19 years, have been attributed against the petitioner and his co-accused. Moreover, the witnesses of last seen evidence have also supported the prosecution version.

Be that as it may, the petitioner is in custody for a period of almost three years. So far only 03 out of 27 witnesses have been examined. The statements of two witnesses, who had lastly seen the deceased in the company of the petitioner and the co-accused, has been recorded after a period of about three weeks from the date of occurrence. Even the FIR was lodged after a period of about two weeks when the deceased went missing from her parental house. The conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner behind the bar.

In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate.

05.08.2022
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(VIVEK PURI)
JUDGE

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