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

**CRM-M-15705-2022
Date of Decision: 22.04.2022**

Sukhchain Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Akshay Chadha, Advocate,
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.50 dated 14.03.2021, under Sections 302 & 201 of the IPC, registered at Police Station Division Dakha, Ludhiana Rural.

It has been submitted by Mr. Akshay Chadha, learned counsel for the petitioner that the petitioner is in custody since 18.03.2021 and the investigation of the case has already been completed and thereafter, the Police has already presented the Challan under Section 173 of the Cr.P.C and the matter has been committed to the Sessions Court and thereafter, the material witness, who is the complainant in the present case, has also been examined. He further submitted that it is a case which is purely based upon

the circumstantial evidence and as per the prosecution story, the deceased Zora Singh, who was a drug addict, was found dead near a canal and a handkerchief was also found on his neck along with a syringe. The name of the petitioner has not been mentioned in the FIR but thereafter on the basis of the supplementary statement of the complainant, his name was nominated. He also submitted that even in the deposition made by the complainant, there is no specific role attributable to the petitioner and it has only been stated that he was found near the canal and it can be inferred that his son was killed by the petitioner. He further submitted that the person who had last seen the deceased was one Ranjit Singh who got recorded his statement under Section 161 of the Cr.P.C. but he is not a cited witness by the prosecution itself. He further submitted that the petitioner is not involved in any other case and has been falsely implicated in the present case and since the material witness has been examined, he may be considered for the grant of regular bail.

On the other hand, Mr. Davinder Bir Singh, learned Deputy Advocate General, Punjab, on instructions from A.S.I. Satpal Singh, has submitted that it is correct that the petitioner is in custody since 18.03.2021 and the witness, who is the complainant has been examined. He further submitted that as per the deposition made by the complainant, he has stated that since the deceased was found near the canal, therefore, he inferred that the petitioner had killed the deceased. He also submitted that it is correct that the petitioner is not involved in any other case. However, he has opposed the grant of bail to the petitioner on the ground that the matter is serious in nature.

I have heard the learned counsel for the parties.

Undoubtedly, the petitioner is in custody since 18.03.2021 and the matter is at trial stage wherein the material witness who is the father of the deceased, has been examined. During the course of argument, the learned State counsel has stated that the Viscera Report is yet awaited and he has also stated on instructions from the A.S.I. Satpal Singh that the witness, who had last seen, has not been cited as witness by the prosecution. The present petitioner is not involved in any other case and the matter is based upon the circumstantial evidence. Furthermore, it is not the case of the State that in case the petitioner is released on regular bail then he may abscond or flee from justice or may influence the witness, therefore, considering the totality of the circumstances of the present case, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

22.04.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |