

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16478-2022
Date of Decision:06.05.2022

Harjinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Amit Arora, Advocate
for the petitioner.

Mr. Kirat Singh Sandhu, DAG, Punjab.

JASJIT SINGH BEDI, J.(Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No.130 dated 07.07.021, registered under Section 302 IPC, 1860 (offence under Section 201 IPC, 1860 added later on) at Police Station Goindwal Sahib, District Tarn Taran.

The brief facts of the case are that Rajbir Kaur wife of Harjinder Singh (the present petitioner) got registered the FIR that she had two sons and one daughter. Her elder son Davinder Singh after taking his meal had gone outside for walking and after some time her son came running back to the house bleeding profusely and after seeing her son bleeding she ran towards him and he stated that someone has given a knife blow upon him and after saying this he fell down. On her raising hue and cry Sukhbir Singh, Baldev Singh @ Kaalu , Mangal Singh, Paramjit Singh and her husband Harjinder Singh took the deceased in the car for treatment to Doctor Navtej Hospital, Fatehabad, where, the doctor

declared him brought dead. She stated that some unidentified persons have inflicted injuries with the sharp edged weapon killing her son.

Since no one had been named in the FIR, the statement of one Kanwaljit Singh was recorded on 17.07.2021 to the effect that the petitioner had made an extra-judicial confession before him admitting to have been committed the offence as Davinder Singh, his son who was a drug addict was always demanding money from him. This had led to a scuffle and during the scuffle, the petitioner had struck his son Davinder Singh leading to his death. Based on the said statement, the petitioner was nominated an accused.

Subsequently, the statement of the complainant i.e. wife of the petitioner was also recorded, wherein, she stated the same facts of the deceased having been done to death by the petitioner who was his father.

Based on the aforesaid facts and evidence collected, the challan was submitted against the petitioner.

The learned counsel for the petitioner has stated that out of 23 cited witnesses, 09 independent witnesses already stands examined. The two star witnesses i.e. the complainant-Rajbir Kaur-PW1 and Kanwaljit Singh-PW4 have not supported the case of the prosecution. He thus, submits that in view of the said fact, there is no substantive evidence available against the petitioner and he being in custody since 17.07.2021 deserves the concession of regular bail.

On the other hand, the learned State counsel submits that complainant-Rajbir Kaur has turned hostile because her husband, the present petitioner is an accused and otherwise, her version recorded in a

supplementary statement clearly inculcates the petitioner, he does not deserve the concession of regular bail.

I have heard the rival contentions of both the parties.

Undoubtedly, the two star witnesses of the prosecution PW1-Rajbir Kaur and PW4-Kanwaljit Singh already stand examined. None of them have supported the case of the prosecution. As regards the evidence yet to be recorded, it would be a moot point during trial as to whether the said evidence is sufficient to affix the guilt of the petitioner. The Hon'ble Supreme Court in “Dr. Gokarakonda Naga Saibaba Versus State of Maharashtra, 2016(2) RCR (Criminal) 675 and this Court in “Devender Singh @ Devender Chhabra @ Tintu Versus State of Punjab, CRM-M-27957-2015 decided on 22.08.2016 has held that grant of bail can be considered, where witnesses stand examined.

Admittedly, the petitioner has been in custody since 17.07.2021 and the trial is not likely to be concluded in the near future. As such, the further incarceration of the petitioner is not required.

Thus, without adverting to the merits of the case lest it prejudices either side, I deem it appropriate to enlarge the petitioner on regular bail.

Accordingly, the present petition is allowed. The petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

(JASJIT SINGH BEDI)
JUDGE

06.05.2022

JITESH

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No