

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

225

CRM-M-21668-2022

Date of Decision: 24.05.2022

Raghvir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Charanjit Singh, Advocate,
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab,
assisted by ASI Baljit Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.0032 dated 20.04.2021 at Police Station Jodhan, District Ludhiana Rural, under Sections 302/34 IPC.
2. The FIR was lodged at the instance of Sukhdev Singh, wherein it has been alleged that he has two sons and his elder son Ranjit Singh was married to Gagandeep Kaur daughter of Amarjit Singh. It has been stated that the complainant's other son Balwinder Singh, who was married to Gagandeep Kaur daughter of Sukhdev Singh, has been residing separately. The complainant has alleged that her son Ranjit Singh died on 14.04.2021. Upon enquiries made by the complainant at his own level, he found that his brother-in-law Raghvir Singh was having illicit relations with his daughter-in-law Gagandeep Kaur and that on the night

- intervening 13/14.04.2021, Raghvir Singh came to their house on motor-cycle in his absence and he (Raghvir Singh) along with his daughter-in-law Gagandeep Kaur daughter of Amarjit Singh administered some narcotic drug to Ranjit Singh and thereafter strangled him to death.
3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that there is no eye-witness to the alleged occurrence. It has further been submitted that in any case when the complainant Sukhdev Singh stepped into the witness-box during the proceedings of trial as PW-1, he absolutely resiled from the statement. It has been submitted that even another witness i.e. PW-2 Baljinder Singh has also resiled from his statement and has not supported the case of the prosecution at all.
 4. Opposing the petition, learned State counsel has submitted that it is apparently a case where the petitioner has been able to win over the witnesses. Learned State counsel has submitted that PW-3 Hardev Singh has, however, clearly identified the accused when he stepped into the witness-box though in his cross-examination, he has slightly faltered and stated that he had not seen Raghvir Singh coming to their village at any point of time. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 1 year and that he is not involved in any other case. It has also been informed that as on date 5 out of cited 14 PWs have been examined.
 5. I have considered rival submissions addressed before this Court.

6. It is not in dispute that there is no eye-witness to the occurrence in question. Though it has been stated in the FIR that the complainant upon making enquiries came to know that the petitioner in connivance with complainant's daughter-in-law had murdered complainant's son Ranjit Singh, but when the complainant stepped into the witness-box, he absolutely resiled from his statement and did not support the case of the prosecution at all. Similarly, PW-2 Baljinder Singh also did not support the case of the prosecution. Though PW-3 Hardev Singh in his examination-in-chief did state that he had seen Raghvir Singh on his motor-cycle coming out of the house of Sukhdev Singh in a very hasty manner, but during the course of cross-examination, he stated that he had not seen Raghvir Singh coming to their village at any point of time. In any case, the petitioner has been behind bars for a substantial period of more than 1 year. Conclusion of trial is likely to consume time inasmuch as only 5 out of cited 14 PWs have been examined. The petitioner otherwise has a clean record.
7. In view of the aforestated circumstances particularly the fact that the complainant has resiled from his statement, the instant petition merits acceptance. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

24.05.2022

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**