

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

CRM-M No.23688 of 2022 (O&M)
Date of decision: 15th December, 2022

Baljit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. G.S. Bedi and Ms. Savi, Advocates for the petitioner.
Mr. Gurpreet Singh, Addl. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

CM No.48269 of 2022

In view of the averments made in the application and in the interest of justice, the same is allowed as prayed for and the document (Annexure P-7) is taken on record.

CRM-M No.23688 of 2022

This is second petition of the petitioner filed under Section 439 Cr.P.C. in case bearing FIR No.43 dated 24.09.2017 under Sections 365, 120-B IPC (Sections 302, 201, 364 IPC added later on) registered at Police Station Ghanie Ke Bangar , District Gurdaspur, Punjab.

Learned counsel appearing for the petitioner submits that subsequent to the dismissal of the previous petition seeking similar relief on 16.11.2021, as many as 29 prosecution witnesses out of 43

cited, have been examined coupled with the fact that the main accused Ranjit Singh, who was attributed the motive behind the murder of deceased Amarjit Kaur, stands acquitted by the trial Court vide judgment dated 11.11.2022.

Learned counsel, while inviting the attention of this Court to the FIR, which has been annexed as Annexure P-1, inter alia contends that neither was the petitioner named in the FIR in question nor any suspicion raised qua his involvement in the disappearance and alleged murder of deceased Amarjit Kaur. It has been submitted that the motive to commit the murder of Amarjit Kaur was the alleged illicit relationship between her and co-accused Ranjit Singh having turned sour, however, said Ranjit Singh stands acquitted, as already submitted earlier, by the trial Court. He further submits that the petitioner was nominated as an accused subsequently and that too, on a confession allegedly made by co-accused Ranjit Singh before the police, which is of very weak evidentiary value and still further, admittedly the dead-body of the deceased has not been recovered till date. Learned counsel furthermore contends that since all the material witnesses, including the husband of the deceased, have been examined, there is no likelihood of the petitioner influencing the witnesses to depose in his favour much less tamper with any other evidence.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed that the main accused i.e. Ranjit Singh, who was attributed the motive to commit the crime in question, and who allegedly strangled

the deceased along with the petitioner, had since been acquitted by the trial Court. Learned State counsel has however submitted that the motorcycle on which the main accused Ranjit Singh as well as the petitioner allegedly abducted the deceased before committing the crime in question, was recovered from the house of the petitioner himself. He further submits that the petitioner had earlier absconded, soon after the registration of the FIR in question and was arrested on 21.01.2021.

I have heard learned counsel for the parties and perused the relevant material on record.

In the facts and circumstances as enumerated hereinabove coupled with the petitioner being in custody since 21.01.2021, the trial is unlikely to conclude in the near future as 14 prosecution witnesses remain to be examined. Since all the material witnesses have been examined, further incarceration of the petitioner shall serve no useful purpose. The instant petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, nothing contained hereinabove shall be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

December 15, 2022

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No