

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

CRM-M No.25827 of 2022 (O&M)

Date of Decision: 12.07.2022

Parkash Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Gobind Singh Randhawa, Advocate for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Fourth petition has been filed under Section 439 of the Code of Criminal Procedure for grant of bail pending trial to the petitioner in FIR No.27 dated 09.04.2019, under Sections 302, 201, 120-B, 148 & 149 of the Indian Penal Code, 1860 (*for short 'IPC'*), registered at Police Station Sekhwan, Police District Batala, District Gurdaspur.

Brief allegations are that on 09.04.2019 at about 04:00 AM, complainant-Sukhwant Kaur woke up and found that her husband Gurnam Singh (Ex-Serviceman) was not on his bed. She gave phone calls on the mobile number of her husband, but the same was switched off. Her son, namely, Parkash Singh gave information to the Police Post Simble Batala. Thereafter, complainant along with her son went to Kahnuwan Road Sekhwan Dhariwal, Bhoja for the search of Gurnam Singh, from where, they came to know that one dead body is lying in the area of Satkoha Road adjoining to the land of Dhariwal Bhoja in the wheat crop field. On reaching there, they found the dead body of Gurnam Singh, which was

stained with blood and had injuries caused with sharp edged weapon. During investigation, petitioner was arrested in the present case.

Contends that petitioner is in custody for the last more than three years and he was not named in the FIR; rather implicated merely on the basis of extra judicial confession, made before his paternal uncle, namely, Sukhdev Singh. Also contends that there is no other criminal case pending against the petitioner and trial is likely to take some considerable long time. Further contends that there is no apprehension that petitioner will hamper the trial in any manner.

The above factual position is duly acknowledged by learned State Counsel.

In view of the above, this Court is of the opinion that keeping petitioner in custody would not serve any purpose. Consequently, the present petition is allowed. Petitioner be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

The above observations may not be construed as an expression of opinion on the merits of the case.

It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.

July 12th, 2022
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>