

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(231)

CRM-M-25858-2022

Date of decision: - 24.08.2022

Jaswinder Singh @ Baba

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Paras Talwar, Advocate,
Mr. Nikhil Ghai, Advocate and
Mr. Sidharth Arora, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.24 dated 25.03.2021, under Sections 302, 201 and 34 of the Indian Penal Code, 1860, registered at Police Station Verowal, District Tarn Taran.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 06.04.2021 and there are total 25 prosecution witnesses, out of whom, only three have been examined and thus, the trial is likely to take time. It is further submitted that the petitioner is not involved in any other case. It is argued that the FIR has

been registered by complainant Baljeet Singh on the allegations that the present petitioner had called up the said Baljeet Singh on the intervening night of 22/23.03.2021, at around 1.00 AM and told the complainant that his sister (deceased) had a fight with the petitioner and left the house. It is submitted that the FIR had been registered on the statement of the said Baljeet Singh, on the basis of suspicion against the present petitioner and the mother of the petitioner. It is stated that complainant Baljeet Singh, who is the star witness in the case, appeared as PW-1 and stated that the petitioner was happily residing with the deceased and there was no dispute between them and has not supported the case of the prosecution. It is further highlighted that the said Baljeet Singh had stated in the cross-examination that his sister has not been murdered by anybody but she has left the house on her own. Learned counsel for the petitioner has argued that in fact, the deceased had illicit relations with one Harjaspreet Singh and she had run away from the house and her dead body has not been found till date. It is further argued that the said fact has already been verified by the panchayat and has referred to a document (Annexure P-2) to substantiate the same. It is stated that the statement of In-charge SBA Sukhwant Singh dated 25.03.2021 (Annexure P-9) has been recorded, who had stated that it is his duty along with his staff to take out the dead bodies floating in Beas river and since 22.03.2021, no unidentified bodies of any female has been recovered from Harike Head and has thus, submitted that the case of the prosecution that the deceased had been thrown into the Beas river is not even remotely substantiated. It is further stated that even statement of Sarabjit Singh dated 25.03.2021 (Annexure

P-8), before whom the alleged extra-judicial confession has been made by the present petitioner, has also not supported the case of the prosecution and has been declared hostile. Learned counsel for the petitioner has submitted that the mother of the petitioner has already been granted the concession of regular bail by a Co-ordinate Bench of this Court, vide order dated 24.02.2022 passed in CRM-M-7318-2022.

Learned State counsel on the other hand has opposed the present petition for regular bail and has submitted that as per the case of the prosecution, it is the petitioner and his mother, who had killed the sister of the complainant after giving sulphas tablets to her and had thrown her dead body in the Beas river.

This Court has heard learned counsel for the parties and has gone through the paper-book.

The petitioner has been in custody since 06.04.2021 and there are total 25 prosecution witnesses, out of whom, only three have been examined and thus, the trial is likely to take time. The petitioner is stated to be not involved in any other case. The FIR in the present case has been registered on the statement of Baljeet Singh, who has involved the present petitioner on the basis of suspicion. In the FIR, it has been mentioned that it is the present petitioner, who had called up the said Baljeet Singh on 22/23.03.2021 at 1.00 AM, to inform him about the fact that the sister of the complainant had left the house. The body of Manpreet Kaur, alleged deceased, has not been recovered till date. A perusal of the statement of In-charge SBA Sukhwant Singh dated 25.03.2021 (Annexure P-9) would show that it is his duty to take out dead

bodies floating in Beas river and since 22.03.2021, no unidentified bodies of any female has been recovered from Harike Head. The star witness in the present case, i.e., Baljeet Singh has been examined as PW-1 and he has stated in his examination that the said Manpreet Kaur was happily residing with the present petitioner and in his cross-examination, he admitted the factum that his sister Manpreet Kaur was not murdered by anybody and she left the house on her own. Sarabjit Singh, before whom the alleged extra-judicial confession has been made by the present petitioner, has also not supported the case of the prosecution. Moreover, mother of the petitioner has already been granted the concession of regular bail by a Co-ordinate Bench of this Court, vide order dated 24.02.2022 passed in CRM-M-7318-2022. The questions as to whether the said Manpreet Kaur left the house out of her own choice or not and whether she is alive or not, would be finally adjudicated during the course of trial. This Court does not wish to opine on the merits of the case as the same could prejudice the case of either party.

Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

August 24, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	Yes