

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-23646-2020

DATE OF DECISION: 06.01.2022

DALER SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Arshdeep Singh Brar, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

Case taken up through video conferencing.

The petitioner is seeking regular bail in FIR No.51 dated 25.03.2019, under Sections 304, 148, 149 IPC (Sections 302, 201 IPC added later on), registered at Police Station City South Moga, District Moga.

Learned counsel for the petitioner contends that the deceased had expired on 22.03.2019. The body was cremated after postmortem on 23.03.2019. The family of the deceased did not accuse anyone for his death at that time as it was believed that he had died due to drug overdose. However, after 03 days i.e. on 25.03.2019, the instant FIR was lodged by the complainant and 05 accused have been named only on the basis of suspicion as it was stated by the complainant that she had learnt that the deceased had an altercation with the accused 4-5 months prior to the occurrence and, therefore, she suspects that the deceased was eliminated by them. The petitioner was not named in the FIR and has been arraigned as an accused on the statement of co-accused Arshdeep Singh. He also contends that *prima facie* material against the petitioner is weak and the prosecution is relying on extra-judicial confessions made by all the accused including the petitioner before one Nirmal Singh on 29.03.2019 wherein it is alleged that all the accused had come to him and told him that they had eliminated the deceased. He, however, contends that the petitioner had been taken in custody in another case on 28.03.2019 and he remained in custody till 01.04.2019 and, therefore, the

extra-judicial confession before Nirmal Singh is extremely doubtful. He further contends that later an eye-witness namely Harjinder Singh has been introduced and summons have been issued to him by the Court but there is no one by the name of Harjinder Singh and instead one Rajinder Singh, who is the resident of the same village, is being pressurized by the police to give a statement that he is Harjinder Singh and he had seen the occurrence. An affidavit of Rajinder Singh to this effect is annexed as Annexure P-6. The petitioner is in custody for over 2 years and 8 months and there is no motive attributed to the petitioner. The deceased was admittedly a case of HCV.

Learned State counsel contends that the charges have been framed but no prosecution witness has been examined. He, while referring to the affidavit of DSP, City Moga states that it was typographical error that the name of the prosecution witness was noticed as Harjinder Singh instead of Rajinder Singh. He also contends that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

Heard.

In view of the above, especially when the petitioner is in custody for over 2 years and 8 months, the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

06.01.2022

SwarnjitS

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