

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31610-2021 (O&M)
Date of Decision: 27.09.2022

(I)
Jaswinder Singh @ Jassa

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CRM-M-3206-2022 (O&M)

(II)
Gurmail Kaur

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Gaurav Antwal, Advocate,
for the petitioner in CRM-M-31610-2021.

Mr. Ankit Bishnoi, Advocate,
for the petitioner in CRM-M-3206-2022.

Mr. Naveen Singh Panwar, DAG, Haryana.

Ms.Prabhjot Kaur, Advocate for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

Both the petitions are taken up together for final disposal since
the same arise out of the same FIR with the consent of learned counsel for
the parties.

Both the petitions have been filed under Section 439 Cr.P.C for

grant of regular bail to the petitioners in case bearing FIR No. 148 dated 03.09.2020, under Sections 302, 201, 120-B, 34 IPC, registered at Police Station Baragudha, District Sirsa.

The allegations in the present FIR were that the deceased namely Darshan Singh was living alongwith the petitioner namely Gurmail Kaur for about 5-6 years and as per the prosecution, they had adopted one person namely Soni. On 03.08.2020 the aforesaid Darshan Singh was found dead and thereafter, his cremation was conducted by the relatives who are the complainants in the present case. No post-mortem was conducted and thereafter, the complainants made a complaint to the police which ultimately led to the registration of the present FIR.

Learned counsels for the petitioners in both the cases have submitted that the entire allegations are based upon circumstantial evidence and there was a delay of 8 days in giving a complaint to the police and prior to the aforesaid 8 days, a panchayat was convened in this regard and FIR was lodged after a period of 1 month. They submitted that both the petitioners are in custody from 03.09.2020 which is more than 2 years and charges in the present case were framed on 03.08.2021 which is almost 1 year and 1½ months but no private witness has been examined and only one official witness has been examined till date and in this way, even the complainants are not coming forward for deposing before the learned trial Court. They further submitted that the petitioners are not involved in any other case and have got clean antecedents and since the entire case is based upon circumstantial evidence and the trial of the case may take long time, the petitioners may be considered for the grant of regular bail.

On the other hand, Mr. Naveen Singh Panwar, learned Deputy

Advocate General, Haryana has submitted that it is correct that both the petitioners are in custody for more than 2 years and they are not involved in any other case. He further submitted that it is also correct that the charges were framed on 03.08.2021 and no witness has been examined except one official witness till date. He has however submitted that the petitioners in connivance with each other caused the murder of deceased Darshan Singh and therefore, has opposed the grant of regular bail to the petitioners. He further submitted that the voice samples are yet to be taken.

Ms.Prabhjot Kaur, Advocate appearing on behalf of the complainant has opposed the grant of regular bail on the ground that it was a case of murder of an old person by the present petitioners and therefore, the matter is serious in nature and has opposed the grant of regular bail to the petitioners.

I have heard the learned counsel for the parties.

Both the petitioners have faced incarceration for more than 2 years. The charges in the present case were framed on 03.08.2021 which is more than 1 year but no witness has been examined till date except one official witness. During the course of arguments, the learned counsel for the petitioners has also referred to one zimni order passed by the learned trial Court on 03.01.2022 that on one occasion, regarding one of the official witness, bailable warrants were also issued. The petitioners are stated to be not involved in any other case and the trial of the case may take long time. Furthermore, it is not the case of the State that in case the petitioners are released on bail, then they may influence any witness or may tamper with evidence or may flee from justice.

In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to both the petitioners.

Consequently, both the petitions are allowed. Both the petitioners shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petitions only.

27.09.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

: Yes/No
: Yes/No