

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

**204**

**CRM-M-32161-2021**

**Date of Decision: 01.12.2022**

**Charanjit Singh**

....Petitioner

Versus

**State of Punjab**

....Respondent

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**CORAM: HON'BLE MR. JUSTICE LALIT BATRA**

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**Present:** Mr. Ranjan Lakhanpal, Advocate for petitioner.

Mr. Dhruv Dayal, Additional Advocate General, Punjab.

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**Lalit Batra, J.(Oral)**

This petition under Section 439 Cr.P.C. has been moved by petitioner for grant of regular bail in case FIR No.62 dated 25.05.2021 under Sections 120-B, 201 and 302 IPC read with Section 34 IPC, registered at Police Station Badhni Kalan, District Moga.

Learned counsel for the petitioner *inter alia* contends that version, as alleged in the FIR, is totally concocted one and there is no iota of truth therein. He further urges that petitioner has no nexus whatsoever with the alleged offence. He further submits that nothing incriminating has been recovered at the instance of petitioner. He further urges that allegedly petitioner along with co-accused hatched criminal conspiracy and thereby committed murder of Sukhpreet Singh @ Sukha Lamma and further dead body of said Sukhpreet Singh @ Sukha Lamma was thrown in the canal so as to cause disappearance of evidence against them. He further urges that though alleged occurrence had taken place in the month of June 2020, whereas FIR

was lodged on 25.05.2021 and as such there was an inordinate delay of lodging the FIR and that too unexplained one. He further urges that even otherwise petitioner was not named in the FIR and he has been arrayed as accused merely on the basis of disclosure statement rendered by co-accused which has no evidentiary value in the eyes of law. He further urges that allegedly petitioner had provided logistic support like vehicle used in the commission of crime and shelter but these aspects have no footing to stand as allegedly vehicle i.e. car make Breeza bearing registration No.PB29Z-3113 used in the commission of offence belongs to Rachhpal Kaur (PW5), whereas petitioner has no nexus whatsoever with Harpreet Singh in whose house alleged occurrence had taken place. He further urges that even otherwise dead body of Sukhpreet Singh @ Sukha Lamma has not been recovered till date. He further urges that material prosecution witnesses namely Parkash Singh-complainant (PW2), Davinder Singh (PW4), Rachhpal Kaur (PW5) (wrongly mentioned as PW4) and Bhupinder Singh (PW8), when appeared in the witness-box, have not supported the prosecution version. He further urges that petitioner is in custody since 06.06.2021 and he is no more required by the Police for any investigation purpose as after completion of investigation, final report under Section 173 Cr.P.C. (*Challan*) has already been presented in Court and trial has commenced. He further urges that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing the cause of petitioner has vehemently argued that in view of seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and have carefully gone through the contents of petition.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that material witnesses namely Parkash Singh-complainant (PW2), Davinder Singh (PW4), Rachhpal Kaur (PW5) (wrongly mentioned as PW4) and Bhupinder Singh (PW8), have already been examined; that petitioner is in custody since 06.06.2021 and he is no more required by the Investigating Agency for investigation purpose; that *Challan* has already been presented in Court and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Charanjit Singh** is allowed and he is ordered to be released on bail on his furnishing personal bond and surety bond to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, Moga, as the case may be.

**(LALIT BATRA)**  
**JUDGE**

**01.12.2022**

*Varinder Prashad*

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No