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

CRM-M-36120-2021

Date of decision : 20.09.2022

Saravjit Singh @ Sahab

Petitioner

Vs.

State of Haryana

Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Gaurav Sethi, Advocate for the petitioner.
Mr. Sukhdeep Parmar, DAG, Haryana.
Mr. Munish Behl, Advocate for the complainant.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.44 dated 31.01.2020 registered under Sections 120-B, 201, 302, 34, 346 and 412 Indian Penal Code, 1860 at Police Station Mahesh Nagar, District Ambala, who is in custody since his arrest on 14.02.2020.

As per the prosecution, initially the FIR was registered on the statement of complainant Dalip Singh regarding missing of his son, namely, Swaranjit Singh. It was alleged that his elder son Swaranjit Singh used to drive his car and left the house on 27.1.2020 in the afternoon at about 12.30 p.m. in his vehicle bearing No.HR01-AQ-2532. As per information, attempts were made to trace him, but he could not be found.

Later on, the dead body of Swaranjit Singh was found and other offences

were also added in the FIR including the offence punishable under Section 302 IPC.

Learned counsel for the petitioner has argued that initially the FIR was lodged by the complainant regarding missing of his son, namely, Swaranjit Singh and later when unknown dead body was found, the offence punishable under Section 302 IPC etc. were also added. He submits that the motive of the alleged crime was attributed to co-accused-Manish, who has expired during the pendency of the trial and it was on his disclosure statement, the petitioner alongwith his co-accused Jarnail Singh was implicated as an accused. According to him, the prosecution case is based upon circumstantial evidence, and according to prosecution co-accused-Jarnail Singh, respectively, strangled the victim, whereas co-accused-Manish and Saravjit Singh held victim's legs and arms. He prays for regular bail.

On the other hand, the prayer is opposed by learned State counsel assisted by SI Amar Singh and learned counsel for the complainant, who have argued that the statement of Manish is inculpatory and as per that the petitioner alongwith his co-accused participated in the crime. He on instructions further states that in all there are 35 witnesses and only three witnesses have been examined so far.

After hearing learned counsel for the parties and considering the above background as well as the custody of the petitioner, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, as 32 prosecution witnesses remain to be examined,

therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 14.02.2020.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

20.09.2022

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No