

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-32469-2022

Date of decision : 27.10.2022

Jaspal Singh and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Manuj Nagrath, Advocate
for the petitioners.

Mr.Tarun Aggarwal, Sr.DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in FIR no.55 dated 17.04.2022 registered under Sections 302, 201 and 120-B IPC at Police Station Samrala, District Ludhiana.

On 27.07.2022, this Court was pleased to pass the following order:-

“Inter alia contends that the petitioners have not been named in the FIR, although two persons namely Amrik Singh and Jaspreet Singh have been specifically named in the FIR and the petitioners were not even present at the time of alleged occurrence nor were apprehended at the spot. It is further submitted that no complaint has been moved by any family members of the deceased- Avtar Singh and even as per the secret information to the police officials, it was Amrik Singh and Jaspreet Singh, who were the persons who had killed Avtar Singh by running a tractor over him and thereafter in connivance with their associates, they cremated the dead body of Avtar Singh. It is contended that the petitioners have no motive to kill the deceased and as on date, even the reason

for cause of death is unknown. It is further contended that the petitioners alongwith large number of villagers had attended the cremation and it is on the basis of said fact that the petitioners have been implicated in the present case after a delay of two days. It is argued by learned counsel for the petitioners that as per his instructions even no disclosure statement of the co-accused has been recorded against the present petitioners. It is further argued that the petitioners are not involved in any other case.

Notice of motion for 06.09.2022.

In the meantime, in the event of arrest, the petitioners shall be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C. Learned State Counsel is directed to file status report by way of an affidavit spelling out as to what is the incriminating material against the present petitioners on the basis of which they are sought to be made as an accused.

27.07.2022 (VIKAS BAHL)
JUDGE ”

On 06.09.2022, this Court was pleased to pass the following order:-

“Learned State counsel on instructions from ASI Baldev Singh submits that the petitioner has joined the investigation and he is not required for further investigation.

Learned State counsel seeks a short adjournment to comply with the order dated 27.07.2022.

Adjourned to 26.09.2022.

Interim order to continue.

06.09.2022 (VIKAS BAHL)
JUDGE”

Learned counsel for the petitioners has submitted that in pursuance of the said order, the petitioners have joined the investigation.

Learned State counsel, on instructions from ASI Baldev Singh, has reiterated that the petitioner has joined the investigation and he is not

required for further investigation and has submitted the status report. As per the said status report, it has been stated that Amrik Singh, the main accused, had confessed that he had killed his uncle Avtar Singh by running the tractor over him with the help of his cousin Jaspreet Singh. The names of the petitioners have not been mentioned as persons who had participated in the alleged incident during which Avtar Singh was killed. In paragraph 9 of the said status report it has been stated that no disclosure statement of the said main accused has been written. In paragraph 10 it has been stated that the petitioners have joined the investigation and have been released on bail by the Investigating Officer as per the orders passed by this Court. The allegation as per the reply against the petitioners is to the effect that the petitioners had participated in the cremation and thus, had helped the main accused in destroying the dead body.

Learned counsel for the petitioners, in rebuttal, has submitted that the petitioners had no motive to kill the deceased and even the cause of death of the deceased is not known till date. It is submitted that as per the status report, it has not even been stated that there was any witness who had even seen that the petitioners were also present at the time of cremation and at any rate, their presence at the time of the cremation, would not be a factor to implicate the present petitioners. It is further stated that no recovery has been effected from the present petitioners and the petitioners are ready to fully further cooperate in the investigation. It is also stated that none of the family members of the deceased had made any complaint with respect to death of Avtar Singh.

Keeping in view the above said facts and circumstances, the present petition is allowed and the interim order dated 27.07.2022 is made

absolute.

Nothing stated above shall be construed as an 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.

(VIKAS BAHL)
JUDGE

October 27, 2022
Davinder Kumar

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