

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

Sr. No.212

CRM-M-32099-2020

Date of decision :9.2.2022

Jagdish Singh @ Makhan

.....Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. LS Sidhu, Advocate for the petitioner

Ms.Gunkirat Kaur, AAG, Punjab

DEEPAK SIBAL, J. (ORAL)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.72 dated 30.6.2019, registered under Sections 302/34 of the Indian Penal Code at Police Station Lohian, District Jalandhar.

Naseeb Singh filed a complaint with the police that on 30.6.2019, at about 8.00 AM, his younger sister-in-law Gurbhej Kaur informed him that her father Nachattar Singh had died. On receipt of such information, Naseeb Singh and his brother Nirmal Singh, reached at the spot and saw Nachattar Singh lying in a pool of blood with several injuries

on his person. After lodging a FIR, the police investigated the matter, in the course of which, it received secret information that Nachattar Singh had been murdered by his own son- the petitioner and Ravdeep Singh. Thereafter, one Jaspal Singh met the local Station House Officer to inform him that he also had knowledge that the petitioner and Ravdeep Singh had murdered Nachattar Singh. Investigations by the police further revealed that the petitioner and co-accused Ravdeep Singh had confessed before the Sarpanch of Village Pipli, namely, Joginder Singh and Member of Zila Parishad, namely, Daljit Singh that they had murdered Nachattar Singh. After recording Joginder Singh's and Daljit Singh's statements, the petitioner and Ravdeep Singh were nominated as accused and on being arrested, they disclosed the mode and manner, in which they had murdered Nachattar Singh. The police then recovered the weapons and the motorcycle used by the petitioner and his co-accused in the murder of Nachattar Singh.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; he has no criminal antecedents; he is in custody since 9.7.2019; all the material witnesses cited by the prosecution have since been examined before the trial Court; Naseeb Singh (complainant) and his brother -Nirmal Singh, while appearing before the trial Court, have not identified the petitioner to be one of the persons, who murdered Nachattar Singh; PWs Daljit Singh, Joginder Singh and Jaspal Singh, while appearing before the trial Court, have also not towed the line of the prosecution; thus, there is virtually no independent evidence to

connect the petitioner with the crime he is accused of and that the petitioner's trial, in which 28 prosecution witnesses still remain to be examined, will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has mercilessly killed his father and that even if the afore witnesses have turned hostile, there is enough evidence on the record to convict the petitioner.

The complainant -Naseeb Singh and his brother – Nirmal Singh while appearing before the trial Court as witnesses of the prosecution, have not identified the petitioner; PWs Daljit Singh and Joginder Singh, to whom the petitioner had allegedly made an extra-judicial confession have turned hostile; similarly PW Jaspal Singh, who had allegedly told the police that it was the petitioner, who had committed Nachattar Singh's murder, while appearing before the trial Court has also not towed the line of the prosecution. These statements make the case of the prosecution debatable.

The petitioner has also been in custody for the last over 2 years and 7 months; he has no other criminal case pending against him; all material witnesses cited by the prosecution have since been examined and that since in the petitioner's trial 28 prosecution witnesses still remain to be examined, it is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Jalandhar the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

9.2.2022
gsv

[DEEPAK SIBAL]
JUDGE

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