

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

328

CRM-M-45926-2021(O&M)
Date of decision: 21.09.2022

CHARANJEET SINGH ALIAS CHANI

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. P.S. Mehrok, Advocate for
Mr. H.P.S. Sidhu, Advocate
for the petitioner.

Mr. Teevar Sharma, AAG Punjab.

MANJARI NEHRU KAUL. J. (ORAL)

This is 02nd petition filed under Section 439 CrPC for grant of regular bail to the petitioner in case FIR No.112 dated 04.07.2016 under Sections 302, 201 and 376 of the Indian Penal Code, 1860 (Sections 363, 366-A, 364, 376-D of the IPC and Section 6 of the POCSO Act added later on) registered at Police Station Bagha Purana, District Moga. The earlier petition was dismissed as withdrawn on 28.06.2021

Learned counsel for the petitioner submits that the petitioner who is an Ambulance driver has been falsely implicated in the case in hand which is evident from the fact that he was nominated as an accused pursuant to a disclosure statement made by co-accused Dara Singh and that too after 04 years of the crime in question. Learned counsel submits that as per the disclosure statement made by co-accused Dara Singh, the dead body of deceased was sent in his Ambulance and thereafter thrown in the open fields. Learned counsel thus submits that the evidence on the basis of which the petitioner has been nominated

has very weak evidentiary value and coupled with the fact that it is after 04 years of the crime in question that the petitioner has been dragged in the case in question speaks volumes about his false implication. He submits that since the case is resting on circumstantial evidence there was no evidence on record qua there being any motive on the part of the petitioner to connive with the main accused Dara Singh and Goldy to commit the murder of the deceased. He further submits that the investigating agency has not even cited any witness of last seen from which it could be even remotely inferred that the petitioner could have been a participant in the crime in question. It has been submitted that the petitioner has been in custody for more than 02 years having been arrested on 18.06.2020 and trial is unlikely to conclude in the near future as 12 prosecution witnesses still remain to be examined. A prayer has thus been made for extending the concession of bail to the petitioner, who does not have any criminal antecedents and still further in the facts and circumstances his further incarceration would serve no useful purpose.

Per contra, learned State counsel on instructions from ASI Binder, while opposing the submissions made by the counsel opposite has not been able to controvert the factual aspect of the role attributed to the petitioner and also the factum of he having been nominated as an accused after 04 years of the crime in question and that too on the basis of a disclosure statement allegedly made by co-accused Dara Singh. He has fairly conceded that there was no witness of last seen qua the alleged role of the petitioner.

I have heard learned counsel for the parties and perused the material on record.

The petitioner has been in custody since 18.06.2020 and 12

prosecution witnesses remain to be examined. The petitioner, as apprised by the learned State counsel, is not involved in any other criminal case.

In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner as trial is unlikely to conclude in the near future, moreover further incarceration of the petitioner would serve no useful purpose. Petition is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything contained in this order shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

September 21, 2022

S.Sharma(syr)

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