

214

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.51252 of 2021 (O&M)

Date of decision: 06.07.2022

Ravdeep Singh @ Vijay

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. B.S. Bhalla, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

CRM-22529-2022

Heard.

Allowed as prayed for.

Documents (Annexures P-2 and P-3) are taken on record
subject to all just exceptions.

CRM-M-51252-2021

Prayer in this petition is for grant of regular bail to the
petitioner under Section 439 of the Code of Criminal Procedure (in
short 'Cr.P.C.') in FIR No.72 dated 30.06.2019, for offence punishable
under Sections 302, 34 of the Indian Penal Code, 1860 (in short 'IPC')
registered at Police Station Lohian, District Jalandhar.

Counsel for the petitioner, at the very outset, has relied
upon the order dated 09.02.2022 passed in CRM-M No.32099 of 2020,
vide which the co-accused of the petitioner namely Jagdish Singh @

Makhan, has been granted the concession of regular bail. The operative part of the said order, reads as under:-

“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.”

Counsel for the petitioner has further submitted that initially the proceedings under Section 174 Cr.P.C. were initiated, however later on, the complainant made a statement naming the petitioner.

Counsel for the petitioner has referred to the statement of PW-5 Jaspal Singh, who has not supported the prosecution version and was declared hostile by the Public Prosecutor and in his cross-examination, he even denied having made any statement before the police.

In the cross-examination, this witness has specifically

denied that on 02.07.2019, 02 persons namely Jagdish Singh @ Makhan and the present petitioner – Ravdeep Singh @ Vijay, came to his office and made a disclosure regarding the commission of offence.

Counsel for the petitioner has, thereafter, relied upon the statement of PW-6, Naseeb Singh, the complainant, at whose instance, the FIR was registered and submit that even he has not supported the prosecution version and was declared hostile by the Public Prosecutor and in his cross-examination, he also denied the statement Ex.PW6/A, given to the police.

Counsel for the petitioner has further contended that the petitioner is in custody for the last about 03 years and he is not involved in any other case.

Counsel for the State, on the basis of the affidavit of the Deputy Superintendent of Police, Sub-Division Shahkot, District Jalandhar (Rural), after verifying the contents of the FIR, submits that initially the proceedings under Section 174 Cr.P.C were initiated, on a complaint given by Kulwant Kaur, wife of the deceased, however later on, on the statement of aforesaid PW-6 Naseeb Singh, the present FIR was registered.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last about 03 years; the co-accused of the petitioner is already released on bail; the material witnesses have not supported the prosecution case; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be

released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

06.07.2022
yakub

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