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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47827-2021 (O&M)

Date of Decision: 31.05.2022

Satnam Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amandeep Singh Manaise, Advocate for the petitioner.
Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.16 dated 23.02.2020 registered under Sections 364, 120-B, 302, 201, 148 and 149 IPC at Police Station Chohla Sahib, District Tarn Taran. The petitioner is in custody since his arrest on 26.02.2020.

The FIR was registered on the statement of Avtar Singh and the allegations as noticed by the Id. Addl. Sessions Judge, Tarn Taran in the order dated 23.08.2021 are as under:

“Present case FIR was registered on the statement of complainant Avtar Singh, who recorded in his statement that on 17.02.2020, around at 06.00 P.M., his elder son Satnam Singh along with son Jashanpreet Singh of Satnam Singh had gone to deliver Milk at B.S.F. Camp situated in Bhikhiwind but after some time his grandson Jashanpreet Singh came back home alone. When he enquired from him about his father Satnam Singh then he replied that his father received Satnam Singh had received a phone call from village Munda Pind and he said that he was going to village Bharampura and there after his father went to said village that is Bharampura on his motorcycle make Hero bearing registration number PB 46-R-0824 but till date 18.02.2020 his son had not returned back. Thereafter on 20.02.2020 he lodged a missing report pertaining to his son Satnam Singh at police station Bhikhiwind. Thereafter they enquired about the whereabouts of Satnam Singh at their own level but his son Satnam Singh had an affair with Kuljeet Kaur wife of Sarabjeet Singh resident of Singhpura he and his family had an strong belief that Kuljeet

Kaur along with her family members called his son telephonically to village Bharampura with the intention to abduct him because he also inquired from the house of Kuljeet Kaur who on 15.02.2020 has went to her paternal home at village Munda Pind. He along with his younger son Lakhwinder Singh also went to the paternal house of Kuljeet Kaur at village Munda Pind to inquire about Satnam Singh but they found nobody at her paternal home at which they filled with a strong belief that on 17.02.2020 Kuljeet Kaur along with her family members after conspiring with each other called his son Satnam Singh at village Bharampura with the intention to kill him, abducted him. Thereafter they approached the police authorities and got register the present FIR. Further accused Sarabjit Singh suffered disclosure statement and he stated that he along with other co-accused and applicant Bhupinder Singh committed the murder of Satnam Singh. Further accused Bhupinder Singh and other also made extra judicial confession before Kulwant Singh witness and admitted the factum of murder of Satnam Singh. The other witness namely Singh who is witness of last seen also stated that he has saw the accused Bhupinder Singh etc. loaded one dead body in the vehicle.”

Learned counsel for the petitioner has argued that as per allegations, Satnam Singh (deceased) was having illicit relations with Kuljeet Kaur (wife of Sarabjit Singh), who was abducted and murdered by all the accused persons including the brothers of co-accused persons, namely, Kuljeet Kaur and Sarabjit Singh. He submits that the petitioner has been implicated only on the basis of his friendship with co-accused Sukhdev Singh @ Kali (brother of Kuljeet Kaur). According to him, there is no eye witnesses of the alleged occurrence and the case of the prosecution is based upon circumstantial evidence i.e. Last seen witness, namely, Balwinder Singh and the alleged extra judicial confession suffered by Sarabjit Singh before Kulwant Singh. He submits that the said confession is by only one accused, wherein he has implicated all the acused and the admissibility of this evidence would be tested during trial. He prays for regular bail, as trial is not making any progress.

The prayer is opposed by learned State counsel assisted by ASI

Dilbag Singh, and has filed status report by way of affidavit of Jagir Singh, PPS, Deputy Superintendent of Police, PBI, Special Crime-cum-Supervision Officer, Police Station Sarhali and Chohla Sahib, District Tarn Taran. Learned State counsel has argued that the petitioner also participated in the crime and after framing of charges on 17.12.2020, two prosecution witnesses including complainant Avtar Singh have been examined, however the other material witnesses, namely, Balwinder Singh and Kulwant Singh are yet to be examined. Further, it is not disputed by him that neither there is any extra judicial confession suffered by the petitioner nor there is any recovery from him.

Considering the above background and custody of the petitioner, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, as only two prosecution witnesses including complainant Avtar Singh, have been examined out of total twenty prosecution witnesses so far, therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest.

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

The petition is allowed.

31.05.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No