

**CRM-M-45279-2022; CRM-M-46320-2022 and -1-
CRM-M-46377-2022**

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

**CRM-M-45279-2022
Date of Decision: 09.11.2022**

**(I)
Ramandeep Singh @ Romi**

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CRM-M-46320-2022

**(II)
Nirpal Singh @ Nippi**

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CRM-M-46377-2022

**(III)
Gurpreet Singh @ Priti and others**

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

**Present: Mr. Priyanshu Kamra, Advocate,
for the petitioner in CRM-M-45279-2022.**

**Mr. Ashok Paul Batra, Advocate,
for the petitioners in CRM-M-46320-2022 and
CRM-M-46377-2022**

Mr. Kunal Vinayak, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

All the three petitions are taken up together for final disposal with the consent of learned counsel for the parties since the prayer in all the three petitions pertain to the grant of regular bail and they arise out of the same FIR.

All the three petitions have been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioners in FIR No. 06 dated 19.04.2021, under Sections 304, 302, 201, 148, 149 IPC, registered at Police Station GRP Abohar, District Govt. Railway Police (Fazilka).

Learned counsels for the petitioners have submitted that the petitioner Nirpal Singh @ Nippi in CRM-M-46320-2022 is in custody for about 11 months, petitioners Gurpreet Singh @ Priti, Neetu @ Sukhpal Singh, Karamvir Singh @ Kalu and Shami Singh @ Bantu in CRM-M-46377-2022 and petitioner Ramandeep Singh @ Romi in CRM-M-45279-2022 are in custody for 1 year and 4 months. They further submitted that as per the allegations contained in the FIR and the prosecution story, an information was received that on 02.04.2021 that an unidentified dead body was lying near the Railway Station having grievous injuries and thereafter, the unidentified dead body was cremated. However, after a period of 1½ months i.e. on 18.05.2021, a statement was made by one Member Panchayat namely Pappu Singh who stated that on the intervening night of 01/02.04.2021 when he was sleeping, then Nirpal Singh @ Nippi (petitioner in CRM-M-46320-2022) knocked at his door and told him that some unknown person had entered in the house of his brother-in-law namely Dilraj Singh and they had kept hold of him. The said Nirpal Singh had taken him to the village Dharamshala where a young man was lying in a semi unconscious condition. Learned counsels further

submitted that it was after a period of 1 ½ months that such a statement was made by one Pappu Singh on the basis of which the petitioners were apprehended and the entire case was based upon circumstantial evidence and on the basis of information supplied by one Pappu Singh after a period of 1½ months. They submitted that now the aforesaid Pappu Singh and some other witnesses have already been examined and the aforesaid Pappu Singh has not supported the prosecution version and has been declared hostile and similarly other witnesses namely, Harbans Singh, Surjeet Singh son of Khem Singh and Surjit Singh son of Karnail Singh have not supported the prosecution version and have been declared hostile. They further submitted that so far as the petitioners namely, Gurpreet Singh @ Priti, Neetu @ Sukhpal Singh, Karamvir Singh @ Kalu and Shami Singh @ Bantu in CRM-M-46377-2022 are concerned, they were only co-villagers and have got no role to play and the entire prosecution story was based upon the statement made by Pappu Singh who has himself not supported the prosecution version at the time of trial. They have therefore prayed for the grant of regular bail to the petitioners.

On the other hand, Mr. Kunal Vinayak, learned Assistant Advocate General, Punjab has submitted that it is correct that all the petitioners are in custody for more than one year except petitioner Nirpal Singh who is in custody for 11 months and most of the witnesses have been examined including the aforesaid Pappu Singh who has not supported the prosecution version and apart from the same, the other witnesses have also not supported the prosecution version. He also submitted that it is also correct that the dead body was discovered on 02.04.2021 whereas the information was supplied after a period of 1½ months and on the basis of the same, the FIR was lodged.

I have heard the learned counsel for the parties.

It is a case which appears to be on the basis of the circumstantial evidence. The material witnesses have already been examined including the aforesaid Pappu Singh who has not supported the prosecution version as per the learned counsel for the parties. All the petitioners are in custody for more than one year except petitioner Nirpal Singh who is in custody for 11 months. Furthermore, it is not the case of the State that in case the petitioners are released on bail, then they may influence any witness or may tamper with evidence or may flee from justice.

In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioners.

Consequently, all the three petitions are allowed. All the petitioners shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petitions only.

09.11.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)
JUDGE

: Yes/No
: Yes/No