

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(226)

CRM-M-47560-2022

Date of decision: - 23.11.2022

Uttam Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Ms. Puja Chopra, Advocate, for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 439 Cr.P.C. to grant regular bail to the petitioner in FIR No.258 dated 26.09.2019, registered under Sections 302, 34 and 120-B IPC, at Police Station Civil Line, District Patiala.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 02.10.2019 (more than 3 years and 1 month) and the investigation is complete and the challan has been presented and there are total 22 prosecution witnesses, out of whom, examination-in-chief of only three witnesses has been completed, thus, the trial is likely to take time and that the petitioner is not involved in any other case. It is further submitted that the petitioner was not named in the FIR and all the allegations in the FIR have been levelled against Maninder Singh, husband of the deceased. It is further submitted that

there is no eye witness in the present case and the petitioner has been falsely implicated on the basis of the disclosure statement of Maninder Singh. It is stated that there are contradictions in the statement of Maninder Singh which had been recorded on 30.09.2019 and the one recorded on 03.10.2019, inasmuch as, the amount which had been stated to have been paid by said Maninder Singh was Rs.40,000/- in the statement dated 30.09.2019, whereas, it has been stated to be Rs.48,000/- (Rs.10,000 + Rs.38,000/-) in the statement recorded on 03.10.2019. It is further submitted that as per the said disclosure statement of Maninder Singh, the present petitioner had used a stick (*danda*), but no stick (*danda*) has been recovered from the present petitioner. It is argued that in the present case, a perusal of the alleged confessional statement of the petitioner (Annexure P-4) would show that in the concluding portion, it has been mentioned that the said confessional statement has been signed by Maninder Singh and not by the present petitioner whereas Maninder Singh has not signed the same. It is further submitted that the petitioner undertakes not to influence or threaten the complainant or any of the witnesses in case he is released on regular bail. It is also argued that in the disclosure statement of Maninder Singh, it has also been stated that one Karamvir Singh @ Kaka was also involved in the incident and the said Karamvir Singh @ Kaka has already been granted the concession of regular bail by a Co-ordinate Bench of this Court, vide order dated 09.05.2022 passed in CRM-M-39870-2020.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that as per the

prosecution case, Maninder Singh is the person who has been named in the present FIR and the said Maninder Singh has given a confessional statement on the basis of which the present petitioner and Karamvir Singh @ Kaka have been made accused. It is further submitted that one iron wire has also been recovered from the present petitioner.

This Court has heard learned counsel for the parties and has gone through the paper-book.

The petitioner has been in custody since 02.10.2019 (more than 3 years and 1 month) and the investigation is complete and the challan has been presented and there are total 22 prosecution witnesses, out of whom, examination-in-chief of only three witnesses has been completed, thus, the trial is likely to take time and that the petitioner is stated to be not involved in any other case. The petitioner is not named in the FIR, although the co-accused Maninder Singh, who is the husband of the deceased, has been specifically named in the FIR. The present case is a case of no eye witness account and the petitioner is sought to be implicated on the basis of disclosure statement of Maninder Singh, as per which, the petitioner had used a stick (*danda*) to cause an injury to the deceased. It is not in dispute that no stick (*danda*) has been recovered from the present petitioner. As per the said confessional statement of Maninder Singh, one Karamvir Singh @ Kaka was also involved in the incident and the said Karamvir Singh @ Kaka has already been granted the concession of regular bail by a Co-ordinate Bench of this Court, vide order dated 09.05.2022 passed in CRM-M-39870-2020. A perusal of the confessional statement of the petitioner dated 03.10.2019 (P-4) would

show that in the concluding portion of the said statement, it has been mentioned that the same has been signed by Maninder Singh, whereas, the Maninder Singh has not signed the said statement. The case is based on circumstantial evidence and the question as to whether the entire chain of circumstances is complete so as to connect the petitioner to the alleged crime, would be finally considered during the course of the trial.

Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

November 23, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No