

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

106+208

CRM-M-52187 of 2021 (O&M)
Date of decision:23.02.2022

Sethi Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Amardeep Singh, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

SUVIR SEHGAL, J. (Oral)

CRM No.3780 of 2022

Application is allowed as prayed for.

Testimonies of Lovepreet Singh-PW4, Rani-PW5 and Harjit
Kaur-PW6 are taken on record as Annexures P-8 to P-10 respectively.

CRM- M-52187 of 2021

This is the second petition filed under Section 439 Cr.P.C
seeking grant of regular bail to the petitioner in case FIR No.0129 dated
17.10.2019 registered under Sections 302, 120-B, 34 of Indian Penal Code,
1860 at Police Station Tarsikka, District Amritsar (Annexure P-2).

As per the case of the prosecution, FIR (Annexure P-2) has

been registered on the complaint of Gurpreet Singh, who is a truck driver, on the allegation that he and his brother, Lovepreet Singh, normally remain out of town and his family comprising of his mother Joginder Kaur, wife Sandeep Kaur alias Sonia and minor daughter Manpreet Kaur, stay at home. On 07.10.2019, when he was near Allahabad, he received a phone call from his younger brother Lovepreet Singh that his mother has expired. Next day, when he reached home, his wife told him that his mother had died due to heart attack. As the complainant was in a shock, he did not see the dead body of his mother and last rites were performed on 10.10.2019. On 'Chautha' of his mother, his sister Harjeet Kaur disclosed that when they were preparing the body for cremation, she found a wound on the back of the head of the mother. On further enquiry, he was told by Gurjant Singh, who is son-in-law of his maternal uncle, that he had clicked the photographs of the body and had seen the injury marks on the face and neck. Gurpreet lodged the complaint on the allegation that his wife Sonia has an extra marital affair with both Sethi (present petitioner) and Shera Singh, which was to the knowledge of his mother, who objected to it and the accused connived with each other and murdered her.

Counsel for the petitioner contends that first petition (CRM-M-25849 of 2020) preferred by the petitioner seeking grant of regular bail was withdrawn on 11.11.2020 as no prosecution witnesses had been examined. By referring to the testimony of the complainant-Gurpreet PW1, Gurjant Singh PW2, and Harjeet Kaur PW-6, he urges that they have denied any

injury marks on the body of the deceased. He has argued that Balwinder Singh and Rani, before whom, extra judicial confession is alleged to be made by the accused, have not supported the prosecution. He submits that the petitioner, who is in custody since 18.11.2019 deserves to be enlarged on bail as the trial is likely to take time to conclude.

Per contra, State counsel upon instructions from ASI Satpal Singh, has opposed the petition and submitted that prosecution has collected the details of repeated phone calls between the accused in the months of September and October, 2019, as well as baseball bat and *chunni*, which were used to injure and strangle the deceased. As per his instructions, the accused colluded with each other and committed murder of 56 years old lady, though in all fairness, he submits that postmortem of the deceased was not conducted.

Having considered the facts and circumstances of the case, this Court is of the view that material collected by the prosecution would remain debatable and the petitioner, who is in custody for the last more than 02 years and 03 months would be entitled to be released on bail, during pendency of the trial as the material witnesses have been examined and the trial is likely to take time to conclude.

Without delving into the merits or demerits of the arguments addressed by counsel for the parties, the petition is allowed and the petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

February 23, 2022
savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>