

CRM-M-54459-2021

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54459-2021
Reserved on: 28.01.2022
Pronounced on: 08.02.2022

Sonu Singh alias Sonu Singham ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Karam Kaushal, Advocate for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
62	30.06.2020	Phase-8, Mohali, District SAS Nagar, Punjab	302 & 404 IPC

1. The petitioner, incarcerated upon his arrest in the FIR captioned above, came up before this Court under Section 439 of Code of Criminal Procedure, 1973 (CrPC) seeking bail.
2. The petitioner has not disclosed criminal antecedents.
3. Ld. Counsel for the petitioner contends that the pre-trial incarceration would cause an irreversible injustice to the petitioner and family. He has also made facts specific submissions which shall be dealt in the reasoning portion.
4. The contention on behalf of the State is that the crime is heinous and bail encourages criminals.

REASONING:

5. The FIR was registered based on the statement of the brother of the deceased under section 154 CrPC. The police did not come across any eye witness till the filing of reply. Ld. counsel argued that the petitioner was arrested based upon the alleged extra judicial confession made by the accused to the brother of the deceased and the relationship was that of a stranger. Ld. counsel for the state confronted such argument

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by stating that the main evidence against the accused is recovery of ring of the deceased pursuant to the disclosure statement of the accused. A perusal of the FIR reveals that the complainant i.e. brother of the deceased, had specifically mentioned that a silver ring which his brother was wearing, was missing from dead body. Specifically after the arrest of the accused on his alleged disclosure statement the said ring was discovered.

6. Even if this court ignores the extra judicial confession, still the other evidence is admissible in law and its credibility can only be impeached during the trial. Any further observations might prejudice the accused or the deceased. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner fails to make a case for bail.

Petition dismissed in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

February 8, 2022
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Whether speaking/reasoned:	Yes
Whether reportable:	No.