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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48385-2019 (O&M)
Date of Decision:28.03.2022

Baldev Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. P.K.S. Phoolka, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

Mr. S. S. Grewal, Advocate
for the complainant.

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Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.45 dated 06.06.2019 registered under Sections 302/34 IPC at Police Station Sadar Budhlada, District Mansa. The petitioner is in custody since his arrest on 06.06.2019.

The FIR was registered on the statement of Jarnail Singh and the allegations as noticed by the ld. Addl. Sessions Judge, Mansa in the order dated 23.10.2019 are as under:

“Version of complainant Jarnail Singh, as per his statement dated 06.06.2019, to the police is that Sarbjeet Kaur earlier was married with his brother Pala Singh and they had a son who is 8 years old. Pala Singh died about 3 years back. Sarbjeet Kaur then performed Karewa marriage with Jagna Singh the elder brother of this complainant. Since the time of death of Pala Singh his father-in-law Baldev Singh (applicant) had started living in village Beeroke Khurd. On 05.06.2019 it was about 6:00/7:00 PM. Jagna Singh and accused Baldev Singh had entered into a dispute over irrigation of their fields. At about 8:00 PM this accused gave telephonic calls to many persons which this complainant overheard. Baldev Singh was talking about finishing Jagna Singh. At about 10:00/11:00 PM,

complainant heard voice of some quarrel from the house of Jagna Singh. On 06.06.2019 at about 7:00/8:00 AM, Jagjit Singh @ Jaggi found that dead body of Jagna Singh was lying on a cot in his field who also called Member Surjit Singh and disclosed that Jagna Singh was killed by Sarbjeet Kaur and her father i.e. accused Baldev Singh by giving blows of sticks on his head and at that time he was accompanied by Gaggi Singh and Mohni Singh (cousin of Sarbjeet Kaur) and 2-3 other unidentified persons. On the basis of this statement and medical record this FIR was registered against this accused Baldev Singh and above said other six persons.”

Learned counsel for the petitioner has argued that the case of the prosecution hinges upon circumstantial evidence and complainant Jarnail Singh had initially implicated four accused in the alleged crime relating to murder of his brother, Jagna Singh, but after investigation, three accused persons, namely, Gagandeep Singh @ Gaggi, Gagandeep Singh @ Moni and Sarabjit Kaur were found innocent and only petitioner was sent to face trial. He has pointed out that the complainant has already been examined by the prosecution, who has disowned the information allegedly given to the police, whereupon the FIR was registered. He submits that three accused persons, namely, Gagandeep Singh @ Gaggi, Gagandeep Singh @ Moni and Sarabjit Kaur, who were again sent to face trial, were also discharged by the trial Court, therefore, considering the custodial period of the petitioner, who is in judicial custody for the last approximately, three years, he be released on regular bail.

The prayer is opposed by learned State counsel assisted by ASI Teja Singh as well as learned counsel for the complainant that during investigation, the weapon of offence was recovered from the petitioner, however, it is not disputed that out of four, three accused were found innocent. Learned State counsel, on instructions, has stated that only three prosecution witnesses have been examined, out of total total twenty six prosecution witnesses, including the material witness.

After hearing the learned counsel for the parties, this Court finds that though the charges have been framed on 24.10.2019, but only three prosecution witnesses have been examined, out of total total twenty six prosecution witnesses, therefore, it is evident that the conclusion of trial would take considerable time. Thus, the further detention of the petitioner behind the bars may not be necessary for 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.

28.03.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No