

**In the High Court for the States of Punjab and Haryana  
At Chandigarh**

CRM-M-59090-2022 (O&M)  
Date of Decision:-22.12.2022

Sawinder Singh @ Shvinder Singh @ Binder ... Petitioner

Versus

State of Punjab ... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Rahul Sharma-I, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,  
assisted by ASI Sikandar Raj.

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**GURVINDER SINGH GILL, J.** (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.112, dated 28.7.2020, Police Station Payal, District Ludhiana, under Sections 302, 34 and 120-B of Indian Penal Code.
2. The FIR was lodged at the instance of Dr. Taranvir Kaur, wherein she has alleged that her mother Rachhpal Kaur lives with her bother Bisesarpal Singh in Village Shahpur and they are running a brick kiln situated at Payal Kaddu Road. It is alleged that on 27.7.2020 at about 08:00 p.m. she received a telephone call from her brother Bisesarpal Singh that their mother Rachhpal Kaur is injured and he had brought her to Apollo Hospital, Ludhiana for

medical treatment. The complainant rushed to the hospital but her mother had already succumbed to her injuries. The complainant alleged that they made inquiries at their own level and watched the CCTV footage recorded with the help of camera installed at the brick kiln and found that Rachhpal Kaur had been attacked by a young man with the help of a sharp edged weapon and that two persons had come on a blue/black coloured motorcycle. While one of them stopped at the brick kiln, the other person, who was wearing helmet and was carrying a sharp edged weapon, attacked the complainant's mother and thereafter immediately escaped from the spot. The complainant further alleged that her mother had been murdered by Rajinder Singh @ Bobby, Jagwinder Singh @ Jaggi, Guri, Bahadur Singh and Bittu by conspiring with each other and that their maternal aunt Jagdish Kaur and Gurshant Singh also have a role in the same as they were having a dispute with them as regards property.

3. Learned counsel for the petitioner submitted that the petitioner is nowhere named in the FIR and came to be nominated subsequently on the premises that Bisesarpal Singh had identified the petitioner from CCTV footage collected from some area in the vicinity. Learned counsel has submitted that admittedly no person is identified from the CCTV footage collected from the brick kiln as the assailant is stated to be wearing a helmet. It has further been submitted that even if it is accepted that the petitioner is seen in the CCTV footage collected from the vicinity, it cannot be said that it is the petitioner, who is the accused as the petitioner even otherwise could have been present in the said area. Learned counsel has further submitted that, in any case, even as per case of prosecution the petitioner is stated to be the one who was driving the motorcycle and is not stated to be the assailant and is a person

aged 68 years and that it is highly unlikely that he would be driving the motorcycle for conducting such like operation.

4. Opposing the petition, learned State counsel has submitted that the identity of the petitioner is clearly evident from the CCTV footage collected from the neighbouring area around the same time and that the colour and make of the motorcycle is also identifiable and, as such, it is apparent that it is the petitioner alongwith his co-accused, who had committed the murder of complainant's mother. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 2 years and 4 months and otherwise is not involved in any other case. It has also been informed that as on date 1 PW out of the cited 21 PWs has been examined.
5. This Court has considered the rival submissions.
6. Admittedly there is no eye-witness to the occurrence and the case of the prosecution is based mainly on the CCTV footage. The petitioner is not stated to be identified from the CCTV footage collected from the place of occurrence i.e. from brick kiln but is stated to be identified from CCTV footage collected from some area in the vicinity of the place of occurrence. The admissibility and relevance of such CCTV footage would be debatable. In any case, the petitioner is a person aged about 68 years and is stated to be behind bars since the last more than 2 years and 4 months. He is not stated to be involved in any other case. Conclusion of trial is likely to consume time as only 1 PW out of the cited 21 PWs has been examined so far. In these circumstances, further detention of the petitioner will not serve any useful. The petition, as such, is accepted and the petitioner is ordered to be released

on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

22.12.2022  
pankaj

( Gurvinder Singh Gill )  
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No