

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-416-2023

Date of Decision: 1.5.2023

Jyoti Dass

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Munish Garg, Advocate
for the petitioner.

Mr. Hakam Singh, AAG, Punjab.

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.137 dated 27.9.2020 registered for the offences punishable under Sections 460, 302, 380, 34 IPC (Sections 411, 115, 120-B, 201, 148, 149 IPC added later on) at Police Station Dhanoula, District Barnala.

2. Counsel for the petitioner submits that as per allegations appearing in the FIR, on the night intervening 26/27.9.2020, some unknown persons break open the office of Mthoot Finance Company and murdered Kishan Dev Rajak who was sleeping in the back portion of the said premises. He further submits that the petitioner was named as accused on the basis of the alleged extra judicial confession made by co-accused Makhan Singh before one Paramveer regarding involvement of the petitioner and other accused persons in the aforesaid incident. He further submits that during the trial, the prosecution has examined material

witnesses including PW1-complainant/Rajan Chaudhary, PW2-Kesar Singh, aforesaid Paramveer Singh as PW3 and one Dinesh Kumar as PW4; that all the aforesaid prosecution witnesses in their deposition have not stated anything against the petitioner who is in custody since 29.9.2020. He further submits that co-accused Makhan Singh, Gaurav Kumar and Navdeep Singh have been enlarged on bail by this Court and copies of their concerned bail orders are produced which are taken on record.

3. Present petition is contested by the State counsel. Status report by way of affidavit of Satvir Singh, DSP (SD), Barnala filed on behalf of the State is ordered to be taken on record.

4. I have considered the submissions made by the counsel for the parties.

5. Admittedly, FIR in the present case was registered against unknown persons for committing murder of Kishan Dev Rajak who was sleeping in the office of Muthoot Finance Company when they broke open the said office during night time. There are allegations that co-accused/Makhan Singh suffered extra judicial confession before PW3/Paramveer Singh regarding his involvement and of the present petitioner and actually, the petitioner was arraigned as accused and was arrested on 29.9.2020 and is presently lodged in judicial custody. As per State counsel, during investigation, one blood stained iron rod was recovered at the instance of the petitioner. However, from perusal of Annexures P-3 to P-6, it appears that complainant-Rajan Chaudhary, while appearing in the witness box as PW1 and aforesaid Paramveer Singh while appearing in the witness box as PW3, have not supported the case of the prosecution. Admittedly, co-accused Makhan Singh, Gaurav Kumar and

Navdeep Singh are already granted concession of regular bail by this Court. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

6. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

May 1, 2023
Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No