

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1. CRM-M No.6301 of 2022

Gurwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

2. CRM-M No.18187 of 2022

Manga Singh

... Petitioner

Versus

State of Punjab

... Respondent

Date of decision: 14th February, 2023

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ranbir S. Sekhon, Advocate for the petitioners.

Mr. Ramdeep Pratap Singh, Sr. DAG, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (O&M)

Petitioners in both the petitions detailed hereinabove filed under Section 439 Cr.P.C. are seeking concession of regular bail in case bearing FIR No.0178 dated 05.09.2021 under Section 302 IPC (Sections 148, 149 IPC added later on) registered at Police Station Dharamkot, District Moga.

Learned counsel for the petitioners, while drawing the attention of this Court to the FIR in question which has been annexed as Annexure P-1, has inter alia contended that it is a case resting on circumstantial evidence. Deceased Rajwinder Singh was found lying

murdered on the terrace of his house in the morning by the complainant i.e. his father-in-law. Soon thereafter, the complainant accompanied by his son-in-law Mohinder Singh went to the Police Station and reported about the crime in question. Learned counsel submits that strangely two days later, a supplementary statement was made by same Mohinder Singh, who had accompanied the complainant at the time of lodging of the FIR, to the effect that he had overheard the accused including the petitioners, boasting about having committed the murder of Rajwinder Singh. Learned counsel submits that the motive to commit the crime in question was that the minor daughter of the deceased had allegedly been eloped with co-accused Jaideep Singh, which had not gone down well with the family of the deceased. It has been submitted that the petitioners have now been in custody since 06.09.2021 and there is no likelihood of the trial concluding in the near future as 12 prosecution witnesses remain to be examined. It has been further submitted that since two material witnesses, which also include the complainant, stand examined, further incarceration of the petitioners would serve no useful purpose.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not been able to controvert the submissions that the FIR in question was lodged against unknown persons and no suspicion was raised qua the involvement of any person, much less the petitioners in the crime in question. He, however, submits that Mohinder Singh overheard the accused including

the petitioners boasting about having committed the murder of the deceased and that is how they were nominated as accused. Learned State counsel has further submitted that since the deceased had refused to withdraw the complaint against co-accused Jaideep Singh, with whom the daughter of the deceased had eloped, the crime in question was committed.

I have heard learned counsel for the parties and perused the relevant material on record.

The petitioners have now been in custody since 06.09.2021. Trial is not likely to conclude in the near future as 12 prosecution witnesses still remain to be examined. Two of the material witnesses stand examined. In the facts and circumstances, as enumerated hereinabove, this Court thus, deems it fit to allow both the instant petitions. The petitions as such are allowed and the petitioners are admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

February 14, 2023

rps

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