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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8990-2022 (O&M)

Date of Decision: 31.07.2023

Shinder Singh @ Chinda Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Lupil Gupta, Advocate, for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.50 dated 27.02.2021, under Sections 302/201/34 IPC, registered at Police Station Sadar Fazilka, District Fazilka.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody for 2 years and 5 months and now 5 out of total 28 cited witnesses have been examined including the complainant. He submitted that it is a case where the entire FIR is based upon circumstantial evidence and as per the allegations the FIR was lodged by one Sumitra Rani by alleging that his son namely Angrej Singh had gone along with a girl namely Kajal who were studying in the same school and thereafter her son did not return and thereafter body of her son was found. He submitted that so far as the present petitioner is concerned, he is the uncle of the aforesaid girl namely Kajal and

so far as the aforesaid Kajal is concerned, she is being tried by Juvenile Justice Board and has been extended the benefit of bail and so far as the other co-accused namely Gurmeet Singh who is the father of the aforesaid girl namely Kajal is concerned, he has already been declared as innocent by the police. He submitted that be that as it may now the complainant herself has been examined and she has not supported the prosecution version and has been declared hostile. While referring to the statement Annexure P-8, he submitted that the complainant has specifically stated in the statement that the present petitioner namely Shinder Singh @ Chinda Singh has not committed the murder of her son. He further submitted that petitioner is not involved in any other case and has got clean antecedents and therefore, considering the aforesaid facts and circumstances and also the long custody of the petitioner, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Rajiv Verma, DAG, Punjab has submitted that the petitioner is in custody 2 years and 5 months and 5 out of total cited 28 witnesses have been examined including the complainant and the complainant has not supported the prosecution version. The antecedents of the petitioner that he is not involved in any other case is not disputed by the learned State counsel.

4. I have heard the learned counsel for the parties.

5. It is a case where the petitioner has already faced incarceration for 2 years and 5 months and 5 witnesses have already been examined including the complainant. As per the statement attached as Annexure P-8, the complainant did not support the prosecution version qua the present petitioner. The allegations are also based upon circumstantial evidence. The petitioner is stated to be not involved in any other case. Furthermore, it is not the case of

the State that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

6. In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

31.07.2023
rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No