

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

211

**CRM-M-8745-2023
Date of decision: 23.02.2023**

Jaswant Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Taranjit Kaur Hundal, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is the first petition filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.0139 dated 11.11.2022 under Sections 304 and 34 of the IPC registered at Police Station Mehatpur, District Jalandhar Rural.

Learned counsel for the petitioner submits that the FIR in question was registered at the instance of mother of the deceased against unknown persons in a case resting on circumstantial evidence. The deceased was found lying dead in the fields by his brother. It has been argued that the petitioner is innocent and has been nominated as an accused on the basis of an extra judicial confession allegedly made by him before one Raj Kumar, son of the Local Sarpanch, to the effect that while he along with the deceased were consuming intoxicants/drugs, a quarrel ensued between them and during the scuffle, the deceased was assaulted and hit against the wall of a room. As the deceased vomited blood, the petitioner got scared and fled away.

Learned counsel has asserted that in fact the deceased died of drug

overdose and the police had implicated the petitioner to harass him and extort money from him by coming up with the alleged story of an extra judicial confession having been made by him. She submits that the petitioner has now been in custody since 23.11.2022 and there is no likelihood of the trial concluding in the near future as only challan stands presented.

Per contra, learned State counsel on instructions has strongly controverted the submissions made by the counsel opposite that the petitioner has been falsely implicated in the case in hand just to harass him and to extort money. He submits that the deceased was found lying dead with injuries on his face when the complainant and her elder son reached the spot. Learned State counsel further submits that on account of the deceased being physically assaulted by the petitioner, he hit against a wall and received fatal injuries leading to his death. It has also been submitted that the petitioner is involved in two other criminal cases under the NDPS Act. Only challan stands presented and even charges have not been framed. Hence, if the petitioner is extended the concession of bail at this stage, there is every likelihood that he could abscond or even tamper with the evidence.

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

No doubt, the FIR in question was registered against unknown persons, however, it was pursuant to an extra judicial confession made by the petitioner before the son of the Sarpanch, he came to be nominated as an accused. The petitioner was arrested on 23.11.2022 and only challan stands presented in the case in hand.

Hence, in the circumstances, this Court would not be inclined to extend the concession of regular bail to the petitioner at this stage. Accordingly, the instant petition is dismissed.

However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

23.02.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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