

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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1. CRM-M-11484-2023 (O&M)
Date of decision: 06.07.2023

Boota Singh @ Buta SinghPetitioner

Versus

State of PunjabRespondent

2. CRM-M-18724-2023
Date of decision: 06.07.2023

Shinder SinghPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Bikramjit Singh Randhawa, Advocate
for the petitioner in CRM-M-11484-2023.

Mr. A.S. Brar, Advocate
for the petitioner in CRM-M-18724-2023.

Mr. Subhash Godara, Addl. A.G., Punjab.

Mr. Balbir Kumar Saini, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-20211-2023 in CRM-M-11484-2023

For the reasons mentioned in the application, the same is
allowed and true typed/photo/vernacular copies of documents
mentioned therein are taken on record as Annexures C-1 to C-7.

Main Cases

1. The petitioners in the above mentioned petitions are
seeking the concession of bail under Section 439 of the Cr.P.C. in case

FIR No.0178 dated 05.09.2021 under Section 302 of the IPC (Sections 148 and 149 of the IPC added lateron) registered at Police Station Dharamkot, District Moga.

2. Learned counsel for the petitioners *inter alia* submit that the case in hand rests on circumstantial evidence. While drawing the attention of this Court to the FIR in question (Annexure P-1), learned counsel further contend that a perusal of the same clearly reveals that no suspicion whatsoever, even by way of a whisper, had been raised by the complainant i.e. father of Rajwinder Singh (hereinafter referred to as, 'the deceased') qua the involvement of any person much less the petitioners. Rather, the complainant was accompanied by his other son in law, Mohinder Singh, when he went to lodge the FIR and this Mohinder Singh had made a supplementary statement after a couple of days of the murder of the deceased, that on the night of the alleged occurrence, he had overheard all the accused including the petitioners boasting that they had planned and committed the murder of the deceased. Learned counsel have asserted that had Mohinder Singh actually overheard the petitioners boasting about their involvement in the crime in question, it could not be believed that Mohinder Singh would have chosen to keep quiet or he and the complainant would not have brought this fact to the notice of the police at the time of registration of the FIR. It has also been urged that in a case resting on circumstantial evidence, motive to commit the crime plays an important role, however, in the case in hand, the motive has been attributed to coaccused Jaideep Singh, who had allegedly been nursing a grudge against the deceased as the latter had lodged a complaint against the co-

accused Jaideep, after he eloped with the daughter of the deceased.

3. Learned counsel has lastly contended that the petitioners have been in custody since 06.09.2021 and both the material witnesses including the complainant as well as father of the deceased stand examined out of the 14 prosecution witnesses cited. Thus, the trial will take considerable time to conclude. It has also been submitted that similarly situated co-accused Gurwinder Singh and Manga Singh have since been extended the concession of bail by this Court vide order dated 14.02.2023 (Annexure P-4).

4. Per contra, learned State counsel assisted by learned counsel for the complainant while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to dispute that the FIR in question was registered against unknown persons and no suspicion, much less by way of any whisper, was raised qua the involvement of petitioners in the murder of Rajwinder Singh. He however submits that the petitioners were friends of the main accused Jaideep Singh, who had been nursing a grudge against the deceased as he had filed a complaint against him. Learned State counsel on instructions, further submits that a conspiracy was hatched by all the petitioners as they were friends of the main accused Jaideep Singh. He also submits that not only Mohinder Singh, the other son-in-law of the complainant overheard the accused on the day of alleged occurrence, boasting about having committed the crime in question but there was a supplementary statement of the wife of the deceased recorded on 06.09.2023, wherein she named the petitioners and suspected their involvement in the crime in question.

5. On the last date of hearing since learned counsel for the complainant had contended that during the pendency of the trial, the petitioners had been extending threats of dire consequences to the complainant party, learned State counsel had been directed to verify the authenticity of the submissions made by learned counsel for the complainant.

6. Learned State counsel in compliance of the last order dated 05.05.2023 on instructions has submitted that no such threat perceptions exists as on date and further the complainant party has been provided with adequate police protection.

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

8. The petitioners have been in custody since 06.09.2021. All the material witnesses including the complainant stand examined, hence, this Court deems it fit to extend the concession of bail to the petitioners as the trial is unlikely to conclude in the near future.

9. Accordingly, both the petitions are allowed. The petitioners be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

06.07.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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