

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

207

2023:PHHC:117957

CRM-M-13540-2022

Date of decision: September 6th, 2023

Jaspal Singh @ Sonu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vinod K. Kaushal, Advocate
for the petitioner.

Mr. Inderpal Singh Sabharwal, Deputy Advocate General,
Punjab.

Mr. Gurpreet Singh, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.257 dated 05.12.2020 under Sections 302, 201, of the IPC (Sections 379, 34 IPC and Section 22 of the NDPS Act added later on) registered at Police Station Rajasansi, District Amritsar Rural

Learned counsel for the petitioner, *inter alia*, contends that it is case resting on circumstantial evidence. While drawing the attention of this Court to the FIR, which has been annexed as Annexure P-1 and which was registered at the instance of the wife of the deceased, learned counsel has submitted that there was not even an iota of whisper made therein qua the involvement of the petitioner in the murder of Angrej Singh much less any mention that the deceased was last seen in the company of the petitioner and the co-accused. It has been submitted that though it had been stated in the FIR that after the deceased went missing on 29.11.2020, a missing report had been made to the Police Station, however, it was a matter of record that there was no mention that the deceased had left in the

company of the petitioner on the fateful day. Learned counsel submits that subsequently, the dead body of the deceased was found in a highly decomposed condition in an open area by the father-in-law of the complainant and he too did not raise any suspicion qua the involvement of the petitioner in the crime in question. The FIR in question came to be registered on 05.12.2020 and it was after four days on 09.12.2020, a supplementary statement under Section 161 Cr.P.C. of the complainant was recorded, wherein for the first time, she stated that she had come to know from her father-in-law, Bagicha Singh, that her deceased husband had left in the company of the petitioner, after which he went missing. Learned counsel has vehemently argued that it was highly improbable that had the deceased indeed left in the company of the petitioner on 29.11.2020, while lodging the missing report in the Police Station, the father of the deceased would have not mentioned the said fact or further even after the crime in question had come to light, the complainant party would have continued to remain mum qua the same for the next 4-5 days. Learned counsel has further drawn the attention of this Court to the contents of the FIR by submitting that on the one hand, the complainant had stated that on 29.11.2020 at 6:00 pm, after her husband i.e. the deceased returned home, he left the house soon thereafter and it was she, who had informed her father-in-law about her husband having gone missing. Hence, it did not appeal to prudence as to how her father-in-law, who himself was informed by the complainant, would have seen his deceased son leave the house in the company of the petitioner earlier in the evening. Learned counsel has further submitted that motive to commit the crime, which plays a prominent role in a case resting on circumstantial evidence, was not even clearly forthcoming, which further, created a serious dent in the case of the prosecution. Learned counsel has thus urged

that in the facts and circumstances as enumerated hereinabove, coupled with the fact that all the material witnesses i.e. the complainant Manpreet Kaur, father-in-law Bagicha Singh and Dilbagh Singh have since been examined during trial, petitioner's further incarceration would serve no useful purpose, as 18 prosecution witnesses still remain to be examined. Learned counsel has submitted that petitioner has clean antecedents as he is not involved in any other case and has now been in custody for more than 2½ years having been arrested on 07.12.2020.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not been able to dispute that neither was the petitioner named in the FIR in question nor any suspicion raised qua his involvement in the murder of Angrej Singh. It has also not been disputed that in the missing report lodged by the father of the deceased, no mention had been made that the deceased had left in the company of the petitioner on the fateful day i.e. 29.11.2020. However, learned State counsel submits that the alleged motive to commit the crime was some monetary dispute between the parties as the deceased as well as the accused were drug addicts and would often consume drugs together. It has also been submitted that a syringe, with which some intoxicants were injected into the body of the deceased, was recovered from the petitioner, pursuant to his disclosure statement.

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

The petitioner has been in custody since 07.12.2020 and after the charges were framed on 04.06.2022, only three out of the 21 prosecution witnesses cited, stand examined. As not disputed by learned State counsel, no suspicion was raised against the petitioner at the time of lodging of the FIR and still further, three prosecution witnesses including

the complainant pursuant to whose supplementary statement, the petitioner came to be nominated as an accused, already stand examined. Hence, there can be no likelihood of the petitioner trying to tamper with the material evidence or even trying to influence the witnesses to depose in his favour.

In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner 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.

September 6th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No