

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

221

CRM-M-15951-2023

Date of decision: 17.10.2023

Harpreet Singh @ Happy

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sandeep Wadhawan, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.158 dated 17.09.2022 under Sections 302/379/201/34 of the IPC registered at Police Station Kamboj, District Amritsar Rural.

2. Learned counsel for the petitioner at the outset has drawn the attention of this Court to the allegations levelled in the FIR which has been annexed as Annexure P-1. He submits that a perusal of the FIR in question which is based on an eye witness account reveals that neither was the petitioner named therein nor was there any whisper qua his involvement in the murder of Yudhbir Singh. It has been submitted that after the wife of the deceased i.e. Manreet Kaur was arrested on the following day of the alleged crime, she allegedly suffered a disclosure statement in which she stated that all the accused including the petitioner had removed the CCTV camera from the place of occurrence, just before the commission of the crime in question. Learned counsel

submits that it is evidently a case of false implication as the petitioner, firstly, had no motive to connive with the co-accused to commit the crime, and secondly, he was not even remotely connected or related to either of the co-accused. Learned counsel has, thus, prayed that in the wake of the role attributed to the petitioner in the crime in question i.e. only removal of the CCTV camera from the place of occurrence, he be extended the concession of bail as now he has been in custody for almost a year having been arrested on 08.11.2022, and the prosecution evidence has not even commenced.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Manjeet Singh, has not controverted that in the FIR in question, the complainant had not attributed any role to the petitioner in the crime in question nor had he been named therein, however, he submits that during investigation it had come to light that the petitioner had been standing outside the house of the deceased when the co-accused went inside to commit his murder. Learned State counsel, on further instructions, has informed the Court that though charges have since been framed, however, none of the 20 prosecution witnesses have been examined; the prosecution evidence is likely to commence on the next date of hearing i.e. 23.10.2023.

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

5. In the facts and circumstances as enumerated hereinabove coupled with the role attributed to the petitioner of only removal of the CCTV camera, prior to alleged occurrence, this Court deems it fit to

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extend the concession of bail to the petitioner.

6. Accordingly, 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.

17.10.2023

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(MANJARI NEHRU KAUL)
JUDGE

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