

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-20522-2023

Date of decision: 13.10.2023

Surinder Kumar Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vinod Kumar, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (third) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.51 dated 19.08.2019 under Section 302 of the IPC (Section 120-B of the IPC added lateron) registered at Police Station Taragarh, District Pathankot.

2. Learned counsel for the petitioner inter alia contends that the petitioner has been in custody since 30.08.2019 in a case resting on circumstantial evidence. Learned counsel submits that the only material on the basis of which the petitioner is being linked with the murder of Gulzar Singh (father of the complainant) is a piece of rope with which he allegedly strangled the deceased. Learned counsel submits that other than the recovery of a rope, there was no cogent evidence collected by the investigating agency nor was there any witness of last seen or extra judicial confession, in addition to there being no clear cut motive also as to why the petitioner would have committed the murder

in question. He submits that even the complainant while lodging the FIR, did not by way of a whisper, raise any suspicion qua the involvement of the petitioner in the murder of his father, much less on account of the alleged illicit relationship between him and the wife of the complainant. Learned counsel further submits that despite the long incarceration of the petitioner, which is now of more than 04 years, the trial has not concluded as 14 prosecution witnesses still remain to be examined. However, since all the material witnesses, including the complainant, have already been examined, further incarceration of the petitioner would serve no useful purpose as there could be no possibility of the witnesses being influenced or evidence being tampered with.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has submitted that the motive to commit the crime in question were the illicit relations which the petitioner had with the wife of the complainant, and since the deceased was aware of the same, the petitioner, after conspiring with co-accused Baljit Kaur, eliminated him, while he was all alone at his house. Learned State counsel has also submitted that no doubt in the FIR in question, no suspicion was raised qua the involvement of the petitioner in the murder of his father, however, subsequently a supplementary statement was made by the complainant wherein he raised a suspicion qua the involvement of the petitioner. Furthermore, there was one witness of last seen i.e. PW Tarsem Singh who had seen the petitioner exit the house of the deceased, in close proximity of time to the crime in question. Learned

State counsel, however, has not disputed that all the material witnesses including the complainant as well as PW Tarsem Singh, stand examined during trial.

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

5. The petitioner has been in custody since 30.08.2019 in a case resting on circumstantial evidence. The trial has not concluded on account of reasons not attributable to the petitioner, and the prosecution evidence is still underway. This Court in the facts and circumstances, especially keeping in view the long custody period of the petitioner, deems it fit to extend the concession of bail to him.

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.

13.10.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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