

**218 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM M-20817-2023 (O&M)****Date of Decision: 05.07.2023**

Pargat Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Bipan Ghai, Sr. Advocate with
Mr. Nikhil Ghai, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure (for short "Cr.P.C") for grant of bail pending trial to the petitioner in FIR No.21 dated 15.03.2021, under Sections 302, 365, 201 read with Section 34 IPC registered at Police Station Verowal, District Tarn Taran.

(2) Allegations in brief:- One Massa Singh son of Buta Singh resident of Bhalojala aged 37 years made a statement that he is resident of above address and working as a Labourer. They are two brothers and one sister. His younger brother Major Singh is unmarried and sister Sarabjit Kaur is married. House of Manjinder Singh S/o Kartar Singh R/o Bhalojala is near to his house. Manjinder Singh is very close to his brother Major Singh. Manjinder Singh is involved in the business of kitty (Committees) along with running a Social service Channel. Manjinder Singh had taken Rs.1,50,000/- from his brother Major Singh in some need being his friend and upon his brother's asking he had given cheques under

his signatures. His brother Major Singh had participated in three kitties (committees) with Manjinder Singh and all of them had gained maturity and Majinder Singh owed almost 3 lakh rupees for these kitties (committees) to Major Singh. So, Manjinder Singh owed Rs.4,50,000/- to his brother. They all live together so his brother Major Singh had mentioned about this amount. He along with his uncle's son Gurdeep Singh S/o Bhagat Singh R/o Bhalojola and his brother Major Singh had visited the house of Manjinder Singh for the said amount and Manjinder Singh kept giving false assurances. Then he promised to return the money on 11.03.2021 and as per the promise, his brother Major Singh went to the house of Manjinder Singh at around 8.45 AM on 11.03.2021 for taking back Rs.4,50,000 (amount of loan and kitty committee). Then his brother did not return for long time and when he asked Manjinder Singh then he did not give proper answer. He is sure that Manjinder Singh S/o Kartar Singh R/o Bhalojola has kidnapped his brother Major Singh for some ulterior motive. He along with other respectables of the society was searching for his brother but could not get any evidence.

(3) It is contended by learned Senior Counsel that there is a delay of 4 days in registration of the FIR; as the occurrence is alleged to have taken place on March 11th, 2021; whereas, present FIR was registered on March 15th, 2021.

Also contends that petitioner has been nominated as accused on the basis of disclosure made by co-accused, namely, Manjinder Singh (P-2) and no specific role is attributed to the petitioner. Lastly submitted that material witnesses have already been examined and trial will take sufficient time; thus, there is no use to keep the petitioner behind bars any further.

(4) On the other hand, learned State counsel has opposed the prayer while raising the plea that petitioner played active role in commission of the offence as the dead body was recovered from a canal. However, ld. State

counsel is not able to dispute that material prosecution witnesses have already been examined.

(5) Heard learned counsel for the parties and perused paper book.

(6) Concededly, there is a delay of 4 days in lodging the FIR; material witnesses have already been examined. Even as per the alleged disclosure made by Manjinder Singh, petitioner did not cause any injury to the deceased. Since trial is likely to take sufficient long time; therefore, no useful purpose would be served by keeping the petitioner in custody any further.

(7) Consequently, present petition is allowed. Petitioner is ordered to be released on bail in the present case on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

(8) Needless to say that this order be not construed as an expression of opinion on merits of the controversy in any manner.

05.07.2023
SN

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No