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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 22562-2023 (O&M)
Date of Decision: 10.05.2023

Sukhraj Singh

... Petitioner

V/s.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Madan Sandhu, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

DEEPAK MANCHANDA, J.(Oral)

This is the second petition filed by the petitioner, by which he has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 112 dated 25.09.2021 under Sections 302, 34 IPC and later on added Section 182 IPC registered at Police Station Sadar Phagwara, District Kapurthala.

Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case due to mistaken identity. The petitioner has no relation with other co-accused mentioned in the FIR and even the story of the prosecution is based on hearsay evidence only and there is no eye witness to the occurrence. He further contends that the petitioner has been nominated as accused on the basis of statement suffered by Hardeep Singh regarding extra judicial confession allegedly

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suffered by the petitioner. Except this there is absolutely no evidence on file to connect him for commission of crime. He also submits that the petitioner is in custody and nothing is to be recovered from him. It is also contended that the petitioner has nothing to do with the death of deceased nor he has got any motive to kill the deceased as such no offence is made out against him. The alleged confessional statement is inadmissible in evidence and carries no value in the eyes of law. The challan has already been presented in Court and as such no fruitful purpose will be served by keeping the petitioner behind the bars as conclusion of trial will take long time.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature and that the petitioner being the son of the deceased mislead the investigation and got registered the instant case by twisting the facts. He also submitted that the weapon of offence i.e. Second half broken piece of baseball bat was recovered from the possession of the petitioner itself, whereas the remaining half portion was taken into possession from place of recovery. It is also evident from the post mortem report conducted on dead body of deceased that cause of death was due to head injury caused by blunt weapon.

I have heard learned counsel for the parties.

It has been observed by this Court that the trial Court dismissed the bail application of the petitioner on the ground that the petitioner twisted the facts and mislead the investigation. Moreover, the weapon used in the offence was also recovered from the possession of the petitioner.

Even as per prosecution story, Hardeep Singh (real uncle of the petitioner/brother of deceased) son of Jarnail Singh got recorded statement that Sukhraj Singh son of the deceased suffered extra judicial confession, as his father was not having cordial relation, not maintaining, rather harassing them, thus he was upset and due to this he committed murder of his father Baljit Singh. Now, he is very disturbed about the act committed by him in a fit of rage. Thereafter, the petitioner was nominated as an accused.

In view of above and since there is no change of circumstances and keeping in view the gravity of offence and involvement of the petitioner, this Court finds no ground to entertain this petition and is not inclined to grant the concession of regular bail to the petitioner.

Petition is dismissed accordingly.

(DEEPAK MANCHANDA)
JUDGE

10.05.2023

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Whether speaking/reasoned	Yes
Whether Reportable	Yes /No