

CRM-M-23213-2023

::1::

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-23213-2023 (O & M)****Date of decision: 12.05.2023**

Raj Kumar

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Amit Arora, Advocate,
for the petitioner.

Mr. Harkanwar Jit Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.143 dated 13.08.2019 under Sections 302, 34 IPC registered at Police Station Goindwal Sahib, District Tarn Taran.

2. The learned counsel for the petitioner argues that in the present case, the deceased-Sarabjit Singh died after suffering an electric shock and the allegation which has been leveled against the accused by the brother of the deceased, is that the deceased-Sarabjit Singh has been killed by electrocution by the wife of the deceased in connivance with Raj Singh (petitioner) and Rajesh Kumar (since granted bail by this Court vide order dated 11.05.2023 passed in CRM-M-22851-2023), who is the brother in law of the deceased.

3. The learned counsel for the petitioner submits that the said allegation has only been raised on the basis of suspicion as the wife of the

CRM-M-23213-2023

::2::

inform about the electrocution of her deceased-husband rather than informing the brother of the deceased who lived in the adjacent house, which suspicion itself is baseless keeping in view the fact that the wife of the deceased had already been declared of unsound mind by the competent authority. The learned counsel for the petitioner further submits that the intention of the complainant is to keep away the wife of the deceased from claiming a share in the property by involving all the accused in the case. The learned counsel for the petitioner further submits that the petitioner is in custody for the last more than three years and out of 16 cited witnesses, only five witnesses have been examined including the complainant and as the trial was likely to take some time to conclude, the petitioner be granted the concession of regular bail. Even otherwise, the case of the petitioner was better than that of Rajesh Singh who had been granted the concession of bail by this Court vide order dated 11.05.2023.

4. The learned counsel for the respondent-State submits that in the present case, the allegations against the petitioner are grave as the petitioner is accused of committing murder. Hence, keeping in view the gravity of the allegations, the prayer for the grant of regular bail be declined. He, however, admits that the co-accused has been granted the concession of bail.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. The allegations which have been levelled against the petitioner and his co-accused by the complainant are on the basis of suspicion and that too on account of the fact that the wife of the deceased rather than informing the brother of the deceased about the electrocution suffered by the deceased,

CRM-M-23213-2023

::3::

kms away. The said allegation is yet to be proved on the basis of the evidence which would come on record. Prima facie, the wife of the deceased, who has also been arrayed as an accused, has already been declared to be of unsound mind by a competent authority. Any act on the part of the wife due to which suspicion has been raised against the accused including the wife is yet to be established during the trial on the basis of the evidence yet to be led. Therefore, it would be unfair to keep the petitioner incarcerated when his co-accused has already been granted bail.

7. Even otherwise, it has already come on record that out of 16 cited witnesses, only five witnesses have been examined and the trial is not likely to conclude in the near future. Therefore, keeping in view the custody of three years and nine months already undergone coupled with the fact that the complainant has already been examined and co-accused has been granted bail, no useful purpose will be achieved in keeping the petitioner incarcerated.

8. In view of the facts and circumstances of the present case and without commenting upon the merits of the case, it is directed that the petitioner-Raj Kumar be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

9. The petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish an affidavit each time that he is not involved in any crime other than the present one

(JASJIT SINGH BEDI)
JUDGE

May 12, 2023
sukhpreet

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