

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22989-2023
Decided on : 12.05.2023

Mintu Sahni

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Jitender Sindh Dadwal, Advocate
for the petitioner.

Mr. Ramdeep Pratap Singh, Sr. DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. The petitioner is seeking concession of regular bail in case FIR No.112 dated 28.07.2020 under Sections 302, 34 and 120-B IPC registered at Police Station Payal, Police District Khanna District Ludhiana.

2. Learned counsel *inter alia* contends that FIR in question was registered at the instance of the daughter of the deceased wherein she alleged that she received a telephonic call from her brother Bisesarpal Singh that their mother Rachhpal Kaur (since deceased) had been admitted to Apollo Hospital in an injured condition. However, by the time, the complainant reached the hospital, her mother had already succumbed to her injuries. Thereafter upon checking of the CCTV footage installed at the brick kiln, which was being run by her deceased mother, the complainant saw that two persons had come to the place of occurrence i.e. brick kiln of her mother, in a blue/black colour motorcycle out of which one person, who was wearing helmet, had attacked the deceased with a sharp edged weapon.

3. Learned counsel while drawing the attention of this Court to the FIR in question submits that a perusal of the same reveals that the complainant had neither named any person nor alleged any role qua the petitioner in the crime in question. Learned counsel has drawn the attention of this Court to the statement of the brother of the complainant recorded under Section 161 Cr.PC (Annexure P-2) and has submitted that a perusal of the same further indicates that as per his own statement, the assailants had come to the spot with covered faces wearing helmets and hence, from the CCTV footage also, their identity could not be established. Learned counsel still further submits that thereafter the brother of the complainant made yet again another statement on 30.07.2020 wherein he improved upon his earlier statement by alleging that the petitioner was pillion riding behind the co-accused at the time of alleged occurrence. Learned counsel, therefore, submits that it is evidently a case of false implication as there is no cogent material on record, which could in any manner link the petitioner with the murder of Rachhpal Kaur. It has been further submitted that the petitioner has been in custody since 08.11.2021 and only two prosecution witnesses out of 21 cited have been examined till date. Hence, the trial would take considerable time to conclude. It has also been submitted that co-accused Sawinder Singh @ Shvinder Singh @ Binder and Rajinder Singh @ Bobby have since been extended the concession of regular bail by this Court vide orders dated 22.12.2022 and 04.01.2023 respectively.

4. Per contra, learned State counsel while opposing the prayer and submissions made by counsel opposite has not been able to controvert that the petitioner was neither named in the FIR in question nor any suspicion raised qua his involvement in the crime, much less any specific role attributed to him. Learned State counsel, however, submits that in the CCTV footage collected from

the vicinity of the brick kiln i.e. place of the occurrence, two assailants could be seen going with helmets on their head and mask on their faces and the petitioner was one of those two persons.

5. Heard learned counsel for the parties and perused the relevant material on record.

6. The present case rests on circumstantial evidence and the entire case of the prosecution revolves around the alleged CCTV footage wherein two assailants can be seen going on a motorcycle. The investigation is complete and charges stand framed. The petitioner, as already observed, has been in custody since 08.11.2021 and as many as 19 prosecution witnesses remain to be examined, coupled with the fact that similarly situated co-accused have since been enlarged on bail by this Court. Therefore, further incarceration of the petitioner, in the aforesaid facts and circumstances, would serve no useful purpose. Accordingly, the present petition is allowed. The petitioner be admitted to bail to the satisfaction to the trial Court/Duty Magistrate concerned.

7. 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.

(MANJARI NEHRU KAUL)
JUDGE

12.05.2023
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Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No