

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(204)

CRM-M-22851-2023

Date of Decision : May 11, 2023

Rajesh Singh**.. Petitioner****Versus****State of Punjab****.. Respondent****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

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

Mr. Gurpreet Singh, Additional Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.143 dated 13.08.2019 registered under Sections 302 and 34 of the IPC at Police Station Goindwal Sahib, District Tarn Taran.

2. Learned counsel for the petitioner argues that in the present case, the deceased-Sarabjit Singh died after suffering electric shock and the allegation which has been leveled against the petitioner by the brother of the deceased, is that the deceased-Sarabjit Singh has been killed by the electrocution by the wife of the deceased in connivance with Raj Singh and the present petitioner, who is brother in law of the deceased.

3. Learned counsel for the petitioner submits that the said allegation has only been raised on the ground of suspicion that the wife of

the deceased had gone to his brother's house, who was living 2 kms away, to

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 has already been declared of unsound mind by the competent authority. Learned counsel for the petitioner further submits that intention of the complainant is to keep away the wife of the deceased from claiming the share in the property by involving all in the allegations. Learned counsel for the petitioner further submits that the petitioner is behind the bars for the last three years and nine months and out of 16 cited witnesses, only five witnesses have been examined including the complainant and as the trial is likely to take some time before it concludes, the petitioner be granted the concession of regular bail.

4. Notice of motion.

5. Mr. Gurpreet Singh, learned Additional Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondent-State.

6. Learned counsel for the respondent-State submits that in the present case, the allegations alleged against the petitioner are grave in nature and the petitioner is accused of murder, hence, keeping in view the gravity of the allegations, the prayer for the grant of regular bail may kindly be declined.

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

8. The allegations which have been alleged against the petitioner by the complainant is on the basis of suspicion and that too on the account

of fact that the wife of the deceased rather than informing the brother of the

deceased about the electrocution suffered by the deceased, had gone to tell about the said incident to her own brother who was living 2 kms away. The said allegation is yet to be proved on the basis of the evidence which will come on record. Prima facie, when the wife of the deceased, who has also been arrayed as 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 petitioner, which suspicion is also yet to be proved during the trial on the basis of the evidence which will come on record, it will be unfair to keep the petitioner behind the bars during the entire trial.

9. 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 near future, hence, keeping in view the custody of three years and eight months already undergone as well as the foundation of allegations leveled against the petitioner coupled with the fact that the complainant has already been examined, no useful purpose will be achieved in keeping the petitioner behind the bars during the entire period of trial.

10. 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 be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

11. Learned counsel for the petitioner undertakes that petitioner will not influence the trial in any manner including influencing the witnesses and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

12. However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

May 11, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No