

2023: PHHC: 141142

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

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**CRM-M-22779-2023**  
**Reserved on: 02.11.2023**  
**Pronounced on: 06.11.2023**

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**JATINDER KUMAR @ BUGGA**

. . . . Petitioner

**Vs.**

State of Punjab

. . . . Respondent

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**CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA**

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Present: - Mr. Umesh Kumar Kanwar, Advocate, for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

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**DEEPAK GUPTA, J.**

By way of this petition filed under Section 439 CrPC, petitioner prays for grant of regular bail in case FIR No.131 dated 14.08.2021 registered at Police Station Kartarpur, Jalandhar Rural, under Sections 302/201/379B/34 IPC.

2. FIR was lodged on the complaint of Komal wife of deceased Pintu, as per which her husband Pintu was working as a tractor driver for Surinder Rai. On 12.08.2021, at about 5:45 AM, her husband left home after receiving a telephonic call from the petitioner and co-accused-Kuldeep Singh for transporting soil at Village Marri Harniyan, stating that he will return by 8:00 AM. However, Pintu did not return. His mobile phone was found to be switched off. A missing complaint was lodged. On 14.08.2021, at about 3:00 PM, Surinder Rai informed the complainant that a dead body has been found in sugarcane fields at Village Kala Bahian. Complainant identified the dead body to

be that of her husband. She alleged the role of petitioner and co-accused Kuldeep Singh in committing the murder of her husband after conspiring with each other and that both of them had snatched the tractor trolley of her deceased husband.

3. FIR was registered. Inquest proceedings were conducted. Postmortem examination of the deceased revealed incised perforated wound over the lower back puncturing the left kidney; incised perforated wound present over the back of the neck, besides multiple injuries over both the arms. Petitioner and the co-accused Kuldeep Singh were under arrest in case FIR No.107/2021 at Police Station Sidwa Bet, Ludhiana. After getting the production warrant issued, they were arrested in this case on 20.08.2021. During custodial interrogation, they suffered disclosure statement admitting the crime and to have committed the murder of Pintu with a screw driver. The screw driver used in the crime was recovered from the place of occurrence. Final report under Section 173 Cr.PC was filed.

4. It is contended by ld. counsel that petitioner has been falsely implicated; that case is based on circumstantial evidence and that too confessional statements allegedly suffered by the petitioner and co-accused, which do not connect the petitioner with the crime; that no recovery has been effected from the petitioner; that petitioner is in custody for the last more than 2 years; that trial may take time to conclude and so, in all the circumstances he be allowed regular bail.

5. Strongly opposing the bail petition, ld. State counsel though concedes that case is dependent on circumstantial evidence, but submits that cogent evidence has been collected during investigation, pointing

out towards complicity of the petitioner in the crime. Ld. State counsel contends that petitioner confessed the crime in his disclosure statement and that at his instance and that of the accused, the screw driver used in committing the murder of Pintu, was recovered. Ld. State counsel further submits that charges have already been framed on 12.05.2022 and that out of 28 witnesses cited by the prosecution, 5 witnesses have been examined. Ld. State counsel has further expressed his apprehension that if the petitioner is released on bail, he may try to influence the witnesses. Prayer is made for rejecting the petition.

6. I have considered submissions of both the sides and have appraised the record carefully.

7. Trial is at initial stage. No doubt that trial is dependent upon circumstantial evidence, but prosecution is yet to lead its evidence before the trial to connect the petitioner with the crime.

8. Having regard to the gravity of the offence and the role attributed to the petitioner, but without commenting anything further on merits of the case, this Court is not inclined to grant benefit of bail to the petitioner and as such, the present petition is dismissed.

06.11.2023

*Vivek*

(DEEPAK GUPTA)  
JUDGE

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes  
No