

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM M-30442 of 2022
Date of Decision: 19.10.2023

Achra Singh @ Soni

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.122 dated 22.12.2021 registered under Sections 302, 201, 427 IPC and Section 207 of M.V. Act at Police Station Sandaur, District Malerkotla.

2. The FIR in the present case was registered on the basis of statement made by Raspinder Singh, who alleged that at about 12.00 p.m. on 20.12.2021, his father Jarnail Singh had gone to his fields for some agricultural work. At about 3/3.30 p.m., Amrik Singh came to their house and asked about his father from his mother and he also went to their fields. He searched for his father, but could not find him.

On inquiry from Amrik Singh, the complainant came to know that after handing over Rs. 50,000/- and taking tea with him, Amrik Singh returned home. When the complainant failed to locate the whereabouts of his father, he reported the matter to the police and the FIR was initially registered against unknown persons under Section 346 IPC. Later on, the dead body of Jarnail Singh was found on 25.12.2021 and the offence under Section 302 IPC was added in the present case.

3. Learned counsel for the petitioner contends that during the course of investigation, it was found that Avtar Singh @ Nikda had allegedly committed the murder of Jarnail Singh, father of the complainant. He further contends that as per the case of the prosecution, the police had recorded the statement of Hardayal Singh on 09.01.2022 and as per the said statement, on 07.01.2022, Hardayal Singh had come to Malerkotla at about 04.00 p.m. and was standing at tea stall at truck union Malerkotla. Hardayal had allegedly heard two young persons talking to each other and they had disclosed each others' name Acchra Singh and Kuldeep Singh @ Rinki. As per the said young boys, Avtar Singh @ Nikda had killed Jarnail Singh by using *Gandasi* on the back side of the head of Jarnail Singh and they had committed a mistake by helping Avtar Singh @ Nikda to burry the dead body of Jarnail Singh. Learned counsel further contends that except the statement of Hardayal Singh, there was no evidence

against the present petitioner. Apart from that, even as per the admitted case of the prosecution, the petitioner had not participated in any manner in the commission of the crime and as per the case of the prosecution, he had helped the main accused in burying the dead body of the deceased after the commission of the crime. Learned counsel for the petitioner contends that the petitioner was arrested in the present case on 09.01.2022 and is in custody for more than 01 year and 09 months. He further contends that since the petitioner has not been attributed any specific role in the commission of the murder of Jarnail Singh and he deserves the concession of bail by this Court.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that as per the case of the prosecution, the petitioner had helped Avtar Singh @ Nikda in disposing off the dead body of Avtar Singh. He further contends that the mobile phone of the deceased was recovered from the present petitioner. However, he could not dispute the fact that no specific role has been attributed to the present petitioner in committing the murder of Jarnail Singh.

5. I have heard learned counsel for the parties and perused the record.

6. The petitioner was arrested on 09.01.2022 and is in custody for more than 01 year and 09 months. Only one witness out of total 25 witnesses has been examined so far and, thus, the trial

proceedings may take quite a long time and further custody of the petitioner will not serve any meaningful purpose.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

19.10.2023

(N.S.SHEKHAWAT)

amit rana

JUDGE

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