

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

1. CRM-M No.29416 of 2023

Gagandeep Singh @ Gagan

... Petitioner

Versus

State of Punjab

... Respondent

2. CRM-M No.46580 of 2023

Ankush Kumar

... Petitioner

Versus

State of Punjab

... Respondent

Date of decision: 5th October, 2023

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sandeep Verma and Mr. Neeraj Madaan, Advocates
for the petitioners.

Mr. Amit Rana, Sr. Deputy Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners, in both the petitions detailed hereinabove, are seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.118 dated 07.06.2021 under Sections 302, 177, 182, 34, 120-B IPC registered at Police Station Sri Muktsar Sahib, District Sri Muktsar Sahib.

2. As per the allegations levelled in the FIR, deceased Sandeep Singh was averse to the alleged illicit relationship between his sister and

petitioner Ankush Kumar, and hence, the deceased was eliminated by the petitioners.

3. Learned counsel for the petitioners inter alia contend that the case in hand hinges on circumstantial evidence. They submit that the petitioners allegedly suffered an extra judicial confession before one Balkaran Singh, who then produced the petitioners before the police. Learned counsel submit that this witness of extra judicial confession i.e. Balkaran Singh was neither a person holding a position or office nor was he acquainted with them and hence, there could not have been any occasion for the petitioners to have gone to him seeking help and for making an extra judicial confession before him. Learned counsel have asserted that other than the extra judicial confession, there was no other evidence collected by the investigating agency to connect the petitioners with the murder of the deceased. It has been further submitted that the trial has not concluded even though, the petitioners have now been in custody for more than 2 ½ years, having been arrested on 09.06.2021. It has also been urged that since the witness of extra judicial confession i.e. Balkaran Singh, widow of the deceased as well as five other prosecution witnesses out of the total 25 cited have been examined, further incarceration of the petitioners would serve no useful purpose as there can be no apprehension of them trying to influence the witnesses to depose in their favour.

4. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to controvert that the role of the petitioners came to the fore on the basis of the extra judicial confession made by them before Balkaran Singh, who had since been examined, however, it has been submitted that Balkaran Singh while stepping into the witness box, had supported the case of the prosecution in its entirety. Learned State counsel has further submitted that the widow of the deceased, while stepping into the witness box as PW-3, had deposed that her husband had been trying to counsel his sister to discontinue her illicit relationship with accused petitioner Ankush Kumar and they all had conspired to kill the deceased.

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

6. The petitioners have now been in custody since 09.06.2021 and 20 prosecution witnesses still remain to be examined. In addition to this, all the material witnesses in the case in hand, which rests on circumstantial evidence, as not disputed by the learned State counsel, have been examined. The trial thus, is unlikely to conclude in the near future and there can be no apprehension of the petitioners tampering with the evidence or trying to influence the witnesses to depose in their favour. In the facts and circumstances, as enumerated hereinabove, more so when the petitioners are not said to be involved in any other criminal case, this Court thus deems it fit to extend the concession of bail to the petitioner.

The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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

October 5, 2023

rps

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