

CRM-M-33156-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 09.10.2023

Sukhwant Singh

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Hanspuneet Singh Kehal, Advocate for the petitioner.

Mr. Mohit Thakur, AAG Punjab.

ARUN MONGA, J. (Oral)

Petitioner seeks regular bail in criminal case bearing FIR No.0042 dated May 29, 2018 (Annexure P-1), registered under Section 302 of the Indian Penal Code, 1860 (for short 'IPC'), at Valtoha, Police Station in Tarn Taran.

2. According to the prosecution's account, on May 28, 2018, the complainant, along with other family members, was seated in the courtyard of her house at approximately 09:30 pm. At that time, her son-in-law, Sukhwant Singh (the petitioner herein), arrived in an inebriated state and began verbally abusing the complainant's daughter, Satbir Kaur. To avoid further conflict, the complainant, her daughter, and other family members sought refuge in a neighbor's house. However, the petitioner directed his abuse towards the complainant's husband. Upon hearing her husband's cries, the complainant rushed back to the scene and witnessed the petitioner striking her husband on the head with a brick, resulting in profuse bleeding and his collapse onto a cot. Subsequently, the petitioner grabbed a sickle, severed a cord from the cot, and used it to strangle the complainant's husband to death. Despite the valiant efforts of the complainant and other family members to save him, their attempts proved futile. An FIR was registered in connection with this incident. The petitioner,

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Sukhwant Singh, was taken into custody on May 31, 2018, and has remained incarcerated since then.

3. The petitioner's counsel argues that, according to the FIR, the deceased was neither immediately taken to the hospital nor provided with any medical treatment after the altercation. Medical attention was sought the day following the alleged incident. This raises doubts regarding whether the injuries sustained during the altercation led to the deceased's death, suggesting a potential lapse in care and negligence on the part of the complainant and her family members. Consequently, the prosecution's account of events appears to be fabricated.

3.1 Additionally, it is claimed that the FIR was based on a fabricated narrative provided by the complainant. It is alleged that there was a dispute between the petitioner and the complainant's daughter, yet no formal complaint has been filed to date. Moreover, given the presence of other family members during the alleged incident, it seems unlikely that the petitioner could have committed such an act in their presence.

3.2 Furthermore, the petitioner's counsel asserts that the petitioner has been in custody since May 31, 2018, and the case has already progressed to the presentation of a challan. The trial's conclusion is expected to take a considerable amount of time, and therefore, keeping the petitioner detained would not serve any meaningful purpose.

4. In contrast, the State counsel vehemently opposes the petition, expressing concerns about the petitioner potentially fleeing from trial proceedings if granted bail. He argues that the allegations against the petitioner are serious, as he was in an inebriated state and committed the heinous crime of murder.

5. I have heard the rival arguments and reviewed the case file.

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6. Given the brutality of the murder, as many as three eye witnesses having seen it and the role attributed to the petitioner, no ground is made out to accord the concession of regular bail to the petitioner.
7. Consequently, petition is dismissed. However, given the duration of the custody of the petitioner, learned trial Court is requested to expedite the trial without granting unnecessary adjournments.
8. It is made clear that any observations and/or submissions noted herein above shall not have any effect on merits of the case as the same are for the limited purpose of hearing the instant bail petition alone and learned Trial Court shall proceed without being influenced with this order.
9. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

October 09, 2023
Ajay

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