

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CRM-M No. 36154 of 2022

Date of decision : October 06, 2023

Aadhpuran Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present:- Mr. Kuldeep V. Singh Ahluwalia, Advocate and
Ms. Jaspreet Kaur, Advocate
for the petitioner.

Mr. Mohit Kapoor, Additional Advocate General, Punjab.

Manjari Nehru Kaul, J (oral).

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No. 78 dated 20.03.2022 under Sections 346 of the IPC (Sections 302 and 120-B IPC were added later on) registered at Police Station City Kharar, SAS Nagar, Punjab.
2. Learned counsel for the petitioner while drawing attention of this Court to the FIR which has been annexed with the petition as Annexure P-1 submits that initially when it was lodged at the instance of the sister of deceased Ruby Pandey, it had been merely stated that the deceased along with her husband and infant child were missing from their house. However, in the supplementary statement the complainant stated that she had come to know that her sister had been murdered and thrown in the river by none other than her brother-in-law i.e. co-accused Charandip Singh. Thereafter on being arrested co-accused Charandip Singh made a string of disclosure statements right from

29.03.2022 to 06.04.2022 (Annexure P-4 to P-7) wherein he disclosed that after murdering his wife he had thrown the dead body in the river.

3. Learned counsel for the petitioner submits that it was only in the disclosure statement made on 03.04.2022 that for the first time the name of the petitioner surfaced. However, therein also it was just stated by the co-accused Charandip Singh that after murdering his wife he had called the petitioner from the phone of one Deepu and thereafter threatened him that in case he did not help out in the disposal of the dead body he too would meet the same fate. He further submits that other than this no role has been attributed to the petitioner in the crime in question. It has also been submitted that the disclosure statement on the basis of which the petitioner had been arrayed as an accused has very weak evidentiary value, more so, when there was no motive attributed to the petitioner to eliminate the deceased.

4. Learned counsel for the petitioner submits that the petitioner has been in custody for more than one and a half years having been arrested on 04.04.2022 and only two prosecution witnesses out of the 24 cited have been examined till date. It has been further submitted that in the facts and circumstances of the case and nature of allegations levelled against the petitioner, further incarceration of the petitioner would serve no useful purpose as there could be no likelihood of any witnesses being influenced by him or any material evidence being tampered with.

5. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, has not disputed qua the petitioner having been attributed no role in the murder of deceased Ruby Pandey. However, he submits that the petitioner has been charged under Section 201 IPC for having helped co-accused Charandip Singh in disposing of the dead body. Learned State counsel has further informed the Court that the

next date fixed before the trial court is 18.10.2023 when some more prosecution witnesses have been summoned.

6. I have heard learned counsel for the parties and perused the material placed on record.

7. The petitioner has been in custody since 04.04.2022. Challan stands presented. There is no likelihood of the trial concluding in the near future as 22 prosecution witnesses still remain to be examined. In the facts and circumstances as enumerated hereinabove and particularly the role attributed to the petitioner in the crime in question, this Court deems it fit to extend the concession of bail to the petitioner as further incarceration of the petitioner would serve no useful purpose.

8. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

9. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

October 06, 2023
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Whether speaking/reasoned	Yes
Whether Reportable	No