

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

226

CRM-M-34230-2023

Date of decision: 03.08.2023

Ravinder Singh @ Roopa

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ramneek Vasudeva, Advocate
for the petitioner.

Mr. P.S. Grewal, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.116 dated 17.12.2011 under Sections 302, 201, 420, 120-B and 34 of the Indian Penal Code, 1860 and Sections 25/54/59 of the Arms Act, 1959 registered at Police Station Sadar Rupnagar, District Rupnagar.

2. Learned counsel for the petitioner inter alia contends that it is a case resting on circumstantial evidence. Allegedly, the petitioner got the crime in question i.e. the murder of Maninder Singh executed through co-accused Dilawar Khan and Krishan Ram, who already stand acquitted vide judgment dated 11.04.2016 by the Trial Court at Rupnagar. Learned counsel further submits that it was a matter of record that the petitioner was not even in India when the crime in question was committed as on the fateful day i.e. 17.12.2011, he was in United Kingdom. It has been further submitted that the petitioner came to be nominated as an accused only on the basis of an extra judicial

confession allegedly suffered by him before one Harwinder Singh, however, said Harwinder Singh while stepping into the witness box as PW3 did not support the case of the prosecution as a result of which he was declared hostile. Learned counsel in support has drawn the attention of this Court to the deposition of PW3 Harwinder Singh (witness of extra judicial confession) which has been annexed as Annexure P-5. Learned counsel has thus submitted that other than this there was no evidence much less cogent to link the petitioner with the murder of Maninder Singh.

3. Per contra, learned State counsel while opposing the prayer of the counsel opposite on instructions, has submitted that no doubt co-accused Dilawar Khan and Krishan Ram had been acquitted by the Trial Court in the FIR in question, however, since the petitioner had absconded after the registration of the FIR in question, he was declared a proclaimed offender and now the trial had commenced against him wherein 03 out of 31 prosecution witnesses had been examined. It has further been submitted that the petitioner had hired assassins i.e. co-accused Dilawar Khan and Krishan Ram to carry out the crime in question. Learned State counsel has, however, not controverted that the witness of extra judicial confession i.e. PW3 Harwinder Singh while stepping into the witness box had been declared hostile as he had not supported the case of the prosecution and the hired assassins had already been acquitted by the Trial court vide order dated 11.04.2016.

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

5. The petitioner has been in custody since 09.11.2022 and

the sole material witness qua him, in the case in hand, i.e. PW3 Harwinder Singh (witness of extra judicial confession) already stands examined and was declared hostile during trial. Thus, his further incarceration would serve no useful purpose, since, 28 prosecution witnesses remain to be examined. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. 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.

03.08.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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