

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

208

CRM-M-42072-2022 (O&M)

Date of Decision: 11.05.2023

SUKHJINDER SINGH @ BITTU

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. DS Virk, Advocate
for the petitioner.

Mr. Kunal Muthreja, AAG Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.18 dated 10.02.2020, registered under Sections 302, 120-B and 34 IPC and Sections 25, 27 and 29 of the Arms Act, at Police Station Beas, District Amritsar Rural, the first one having been dismissed as withdrawn on 17.02.2022.

Learned counsel for the petitioner submits that initially the FIR was registered against some unknown persons; that the petitioner has been in custody since 15.06.2020 and that complainant, namely, Manjit Singh (father of the deceased), while appearing before the trial Court as PW-1 on 29.11.2022, neither made any allegation against the petitioner nor attributed any role to him. He further submits that the complainant in his testimony has specifically stated that the alleged occurrence took place on the intervening night of 09/10.02.2020 at about

12:30-12:45 a.m. and on that day, he was unable to identify the accused persons; that it was on 21.04.2020, when he went to the Court Complex, Baba Bakala, to meet his son, namely, Harmanpreet Singh (who is working Ahlmad there), he identified accused Hardeep Singh @ Deepa and Akashdeep Singh as the same person, who were present at the spot on the date of occurrence and that it was Hardeep Singh @ Deepa, who had fired shot towards the right side of the chest of the deceased; that again on 02.06.2020, when he went to Court Complex Baba Bakala, he identified accused Nitin as the one, who had been sitting on the back seat of the car at the spot on the date of occurrence. Still further, it is submitted that, as per the disclosure statement of Hardeep Singh @ Deepa, the only allegation against the petitioner is that he has informed the co-accused regarding the movement of the deceased.

Learned counsel for the petitioner further submits that, though, there are other cases registered and/or pending against the petitioner, yet the petitioner has been implicated in the said cases due to political rivalry and that the petitioner is not a main accused in the present case.

On the other hand, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period. He, however, submits that the petitioner is a habitual offender, inasmuch as, there are seven more FIRs registered and/or pending against the petitioner. He further submits that the petitioner had actively participated in the occurrence and had done recce of the deceased and that Ajaib Singh (Ex-sarpanch) in his statement dated

18.04.2020 has specifically stated that on 12.03.2020, the petitioner along with other co-accused came to him and told him that they had murdered Sukhmanpreet Singh and accordingly sought his help. Still further, it is submitted that the material witnesses are yet to be examined and thus, the petitioner does not deserve the concession of bail.

I have heard the learned counsel for the parties.

It is a blind murder case. The petitioner was not named in the FIR, but was indicted on the basis of disclosure statement of Hardeep Singh @ Deepa. Moreover, the complainant, while appearing before the trial Court as PW-1 on 29.11.2022, though identified accused, but did not attribute any role to the petitioner. As noticed above, the petitioner is accused of having done the recce and informed the main accused about the movement of the deceased, which had only un-surfaced in the disclosure statement of Hardeep Singh @ Deepa. There are other cases registered and/or pending against the petitioner, but the fact remains that he has been in custody since 15.06.2020. Some of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

11.05.2023

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*