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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-43427-2022 (O&M)

Date of decision: July 18, 2023

Randhir Singh @ Dhira

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Ravinder Rana, Advocate for petitioner.

Ms. Guramrit Kaur, DAG Punjab.

ARUN MONGA, J. (ORAL)

Petitioner, seeks bail in case bearing FIR No.0065 dated 12.08.2019, registered under Section 302 of the Indian Penal Code, 1860 (for short 'IPC'), at Police Station Naya Gaon, District SAS Nagar (Mohali). He is a suspected of committing filicide in the FIR in question.

2. Per prosecution version, on 11.08.2019, when complainant Rajni heard some loud noises from rooftop and when she went there and saw that her husband, petitioner herein, was hitting on the head of their son Aman with a brick bat. Her son was bleeding profusely. Complainant intervened and tried to stop her husband. He then immediately went down the stairs. However, by then Aman succumbed to his injuries at the spot. An FIR was registered. Petitioner was arrested next day on 12.08.2019.

3. Learned counsel for petitioner submits that petitioner has been falsely implicated in this case. He submits that same is borne out from the fact that on 14.08.2019, an DDR was also registered against the petitioner on the statement of niece of the petitioner to the effect that petitioner had also murdered her husband-Kishanpal. Both murders are allegedly shown to have been committed by the petitioner at the same time, day and place. Investigation of both incidents has also been conducted collectively and police has presented a single challan. He submits that star witnesses of the prosecution i.e., complainant, and other purported eyewitnesses have all turned hostile, as

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same, trial is likely to result in his acquittal. Petitioner has not committed the alleged crime. He states that out of total 24 witnesses, only 6 have been examined so far and trial is not likely to get over anytime soon. There is no other case against the petitioner.

4. On the other hand, learned State counsel, on instructions from ASI Rameshwar Dass opposes the bail petition. She submits that petitioner has committed most heinous possible crime and is suspected of double murder. If enlarged on bail, may tamper with the evidence and/ or influence rest of the witnesses. On court query, she admits that out of 24 witnesses, 6 have been examined and the star witnesses have not supported the prosecution version.

5. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

6. Bail allows an accused to maintain his freedom until his guilt or innocence is determined. Whereas, petitioner has already been languishing in jail for the past around 4 years in preventive custody now, being behind bars since 12.08.2019. Petitioner is stated to be 54-year old and was serving as Head Constable in Punjab Police at the time of his arrest. There is no likelihood of his fleeing from justice.

7. It transpires that trial has already commenced and petitioner is not required for custodial interrogation and he is being kept in judicial custody, given the gravity of crime and on apprehension of tampering with the evidence and/ or influencing the witnesses. It is indeed a case where star witnesses i.e., complainant and eyewitnesses have turned hostile and there seems to be a likelihood of petitioner's acquittal in the trial, as the his counsel contends. At this stage, in view of the testimonies of star witnesses, which is on record, I am of the view that petitioner is entitled to be released on bail.

8. Considering the overall scenario and without commenting on the merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

9. Accordingly, petitioner is ordered to be released on bail, if not required in any other case, on his furnishing bail bonds and surety bonds to the satisfaction of learned

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trial Court, where his case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be.

10. In case, petitioner is found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.

11. It is made clear that any observations and/or submissions noted hereinabove 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.

12. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

July 18, 2023

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No