

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
225

CRM-M-49793-2022

Date of Decision: 23.03.2023

Rinku

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Mayur Karkra, Advocate for the petitioner.

Mr. Jaspal Singh Guru,
Assistant Advocate General, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Custody certificate dated 22.03.2023, filed by learned
counsel for the State is taken on record.

The petitioner has filed the present petition under Section
439 Cr.P.C., for grant of regular bail in case FIR No. 128 dated
01.08.2019 registered under Sections 302/34 at Police Station Anaj
Mandi, District Patiala.

Learned counsel for the petitioner contends that the FIR in
the instant case has been registered on the basis of the statement of
Parhlad Singh, the father of the deceased alleging that his daughter, aged
about 19 years, went missing on 17.07.2019. The FIR has been lodged
after a delay of two weeks. Furthermore, the entire case of the
prosecution hinges on circumstantial evidence. The dead body of the
deceased was recovered on 23.07.2019 and the cause of death was
asphyxia due to strangulation which was sufficient to cause death in the

ordinary course of nature. Though, viscera was sent for chemical examination, but no poison has been detected. The complainant got recorded his supplementary statement on 07.08.2021 alleging that the deceased, who was working in a show-room of Pantaloon in Omax Mall, Patiala and was on friendly terms with co-accused Sandeep Singh. She had withdrawn a sum of Rs.1,80,000/- from her bank account and the petitioner along with his co-accused had committed the murder on account of greed. The incriminating evidence against the petitioner is the last seen evidence in the form of statements of Dilbagh Singh and Simranjeet Singh. The petitioner is in custody since 09.08.2019 i.e for more than 03 years, 07 months and 13 days. The statements of the father of the complainant as well as both the witnesses to the last seen evidence has been recorded. Even Dilbagh Singh and Simranjeet Singh had seen the deceased in the company of the petitioner and his co-accused on 20.07.2019 and they remained silent till their statements were recorded on 11.08.2019. The main private witnesses have been examined and as such, it cannot be said that the petitioner can win over the witnesses. So far only 3 out of 27 witnesses have been examined. Co-accused of the petitioner, namely, Sandeep Singh, has already been granted the concession of regular bail by this Court vide order dated 05.08.2022 (Annexure P-13).

Learned State counsel has opposed the bail application on the score that serious allegations with regard to commission of murder of the deceased, who was aged about 19 years, have been attributed against the petitioner and his co-accused. Moreover, the witnesses of last seen

evidence have also supported the prosecution version.

Be that as it may, the petitioner is in custody since 09.08.2019 i.e. for a period of 03 years, 07 months and 13 days. So far only 03 out of total 27 witnesses have been examined. The statements of two witnesses, who had lastly seen the deceased in the company of the petitioner and the co-accused, has been recorded after a period of about three weeks from the date of occurrence. Even the FIR was lodged after a period of about two weeks when the deceased went missing from her parental house. The conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner behind the bar.

In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner-Rinku, is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate.

March 23, 2023
rishu

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether Reportable **Yes/No**