

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-51597-2022 (O&M)

Date of Decision: 12.1.2023

Navdeep Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Munish Garg, Advocate
for the petitioner.

Ms. Kanica Sachdeva, AAG, Punjab

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.137 dated 27.9.2020 registered for the offences punishable under Sections 460, 302, 380, 34 IPC (Sections 411, 115, 120-B, 201, 148, 149 IPC added later on) at Police Station Dhanoula, District Barnala.

Counsel for the petitioner submits that as per the allegations appearing in the FIR, on the night intervening 26/27.09.2020 some unknown persons break open the office of Muthoot Finance Company and murdered Kishan Dev Rajak who was sleeping in the back portion of the said premises. He further submits that the petitioner was falsely implicated in this case and was arrested on 3.10.2020 and since then, he is lodged in custody and no incriminating article was recovered from his possession; that during the trial, the prosecution examined PW1-complainant/Rajan Chaudhary, PW2-Kesar Singh, PW3-Paramveer Singh, PW4-Dinesh Kumar

and all the aforesaid prosecution witnesses failed to support the case of the prosecution and copies of their depositions are available on record. He further submits that it will take considerable time for the trial to conclude and that similarly situated co-accused Makhan Singh has been granted regular bail by this Court vide order dated 6.9.2022 (Annexure P-9) and that no purpose is going to be served by keeping the petitioner in custody for any longer period.

Present petition is contested by the State counsel.

I have considered the submissions made by the counsel for the parties.

Admittedly, the FIR in the present case was registered against unknown persons for committing murder of Kishan Dev Rajak who was sleeping in the office of Muthoot Finance Company when they broke open the said office during the night time. There are allegations that co-accused Gaurav Kumar and Harmanpreet Singh suffered extrajudicial confession before PW3-Paramveer Singh regarding their involvement and involvement of the present petitioner in the aforesaid occurrence and accordingly, the petitioner was arraigned as accused and was arrested on 3.10.2020 and is presently lodged in judicial custody. State counsel has not disputed the fact that aforesaid PW1 to PW4 while appearing in the witness box, have not supported the version of the prosecution and that co-accused Makhan Singh has already been granted regular bail by this Court vide order Annexure P-9. Admittedly, it will take time for conclusion of trial. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

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

(KARAMJIT SINGH)
JUDGE

January 12, 2023

Paritosh Kumar

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