

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-52751-2023
Date of Decision: 30.11.2023

BHOLA SINGH

. . . . Petitioner

Vs.

STATE OF PUNJAB

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Kirat Pal Dhaliwal, Advocate, for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

DEEPAK GUPTA, J.

By way of this petition filed under Section 439 CrPC, petitioner prays for grant of regular bail in case FIR No.142 dated 08.12.2018, registered at Police Station Jodhan, District Ludhiana, Punjab, under Section 365 IPC [later on Sections 302/34/120B of the IPC were added on 10.12.2018 and Sections 25 & 27 (Act N: 54 of 1959) of the Arms Act, 1959, were added on 12.12.2018].

2. This is the second petition. By way of the 1st petition bearing CRM-M-40632-2020, decided on 21.04.2022 (Annexure P3), petitioner was allowed interim bail on account of his medical condition. It is informed that after expiry of interim bail period, petitioner had surrendered in the jail.

3. It is contended by ld. counsel that petitioner is in custody since 10.12.2018; that similarly placed co-accused Balbir Singh @ Beeru; and Daya Singh @ Ram Singh have already been allowed bail; that trial may take time to

conclude; that petitioner has no criminal antecedents and, so in all these circumstances, he be allowed bail.

4. (i) As per prosecution allegations, Baba Ajaib Singh, Chief Serviceman (Sewadar) of Gurudwara Tahli Sahib of Village Rattana had left on 04.12.2018 in his car along with one Sikh gentlemen, followed by four persons in another vehicle, in the presence of complainant Harpreet Singh. However, Baba Ajaib Singh did not return. His mobiles were found switched off. FIR was lodged on the complaint of Harpreet Singh on 08.12.2018 under Section 365 IPC against unidentified persons, who were suspected to have kidnapped Baba Ajaib Singh.

(ii) During investigation, on 09.12.2018, Sarpanch Davinder Singh made a statement to the effect that he had seen Baba Ajaib Singh on 04.12.2018 going in his car accompanied by Daya Singh @ Ram Singh, Bhola Singh (petitioner) and Balbir Singh @ Beeru and he suspected that they had forcibly made Baba ji to sit in the car. All these three persons, i.e., petitioner along with Daya Singh @ Ram Singh and Balbir Singh @ Beeru were arrested on 10.12.2018. During interrogation, they admitted to have committed murder of Baba Ajaib Singh. At their instance, dead body of Baba Ajaib Singh was recovered. In the supplementary statement made by the complainant, he identified the petitioner and the co-accused with whom deceased had left on 04.12.2018. It is further the prosecution allegation that extra judicial confession was also made by the petitioner and the co-accused on 11.12.2018 before Mandeep Singh, to have committed murder of Baba Ajaib Singh. At the instance of petitioner, one mobile phone make Samsung of the deceased Baba Ajaib Singh was also recovered.

5. Ld. State counsel submits that in view of the aforesaid facts and circumstances, when involvement of petitioner has been found in the murder of Baba Ajaib Singh and dead body was recovered at his instance and that of the co-accused, petitioner does not deserve to be released on bail.

6. However, ld. State counsel does not dispute the fact that co-accused Balbir Singh @ Beeru has been allowed bail by a Coordinate Bench of this Court vide order dated 21.09.2023 passed in CRM-M-23709-2022 (Annexure P4). Another co-accused Daya Singh @ Ram Singh has also been allowed bail vide order dated 21.09.2023 passed in CRM-M-36100-2022. Ld. State counsel further informs that out of 29 witnesses cited by the prosecution, only 7 have been examined so far and thus, trial may take time to conclude. Besides, the custody certificate placed on record would reveal that petitioner is in custody for the last 4 years 8 months and 12 days and has no other criminal case pending against him.

7. Having noticed all the aforesaid facts and circumstances, particularly the long custody period of the petitioner and on the ground of parity, but without commenting anything further on merits of the case, petition is allowed. Petitioner is admitted to regular bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

30.11.2023

Vivek

**(DEEPAK GUPTA)
JUDGE**

1. Whether speaking/reasoned?
2. Whether reportable?

Yes
No