

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M-57583-2022
Date of decision: 18.07.2023

Jagmeet Singh @ Gori

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. K.B.S. Mann, Advocate for the petitioner.

Mr. Arun Luthra, DAG, Punjab.

Mr. Kunwar Rajan, Advocate for the complainant.

SUVIR SEHGAL, J. (ORAL)

1. This is the second petition filed under Section 439 Cr.PC seeking grant of post-arrest bail in:

FIR No.	Dated	Police Station	Section
05	09.01.2020	Sadar, Sri Muktsar Sahib, District Sri Muktsar Sahib	302 IPC

2. Version of the prosecution is that FIR has been registered on the statement of Harbhajan Singh wherein he has stated that on 08.01.2020, he was present at his home with his younger daughter Manpreet Kaur. At around 7:30 p.m., after dinner, when he was watching TV, he noticed that his daughter was missing. He enquired and tried to locate her, but he failed. He called his son Amritpal Singh, who joined him in the search. Blood smeared dead body of Manpreet Kaur was recovered the next morning on a link road with injuries on her neck, face and other parts of the body.

3. Counsel for the petitioner contends that petitioner has not been named in the FIR nor any allegation has been levelled against him. He submits

that on the basis of the supplementary statement of the complainant recorded more than 48 hours later, it has been alleged that the petitioner, who was in a relationship with deceased Manpreet Kaur, had been seen together by Surjit Singh, uncle of the deceased. Counsel urges that despite the fact that Surjit Singh was present when the dead body was recovered and his statement was recorded by the police, but he did not level any allegation against the petitioner. Counsel submits that the complainant-Harbhajan Singh, Surjit Singh and other relatives of the deceased have been examined and the petitioner, who is in custody since 15.01.2020, deserves to be enlarged on bail.

4. Per contra, State counsel, who is assisted by counsel for the complainant has opposed the prayer and has submitted that between 07:00 pm and 08:00 pm on 07.01.2020, the deceased called the petitioner twice from his mobile number. It is further submitted that the deceased was pressurizing the petitioner, who was a married man, to enter into matrimony with her and he murdered her. By making reference to the post mortem report of the deceased it has been asserted that death has taken place due to excessive bleeding and injuries on the vital parts. Upon instruction, State counsel submits that knife used in crime has been recovered at the behest of the petitioner. Still further, he submits that out of 23 prosecution witnesses, 6 have been examined. He could not dispute the fact that all the crucial prosecution witnesses have stepped into witness box.

5. I have heard counsel for the parties and considered their respective submissions.

6. The role ascribed to the petitioner and the accusation levelled against him would be adjudicated by the trial Court on the basis of the evidence adduced before it and it does not require any observation from this Court at this

stage. Petitioner is in custody for 42 months, he has clean antecedents and the trial is at an embryonic stage. Therefore, this Court is of the view that the petitioner deserves to be released from confinement during the pendency of the trial, which is unlikely to conclude in the near future.

7. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.

8. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

18.07.2023
Parveen kumar

(SUVIR SEHGAL)
JUDGE

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