

CRM-M-742-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-742-2024 (O & M)

Date of decision: 12.01.2024

Tarlochan Singh @ Tochi

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Lalit Singla, Advocate,
for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case bearing FIR No.87 dated 09.12.2021 under Sections 302, 34 IPC registered at Police Station Aur, District SBS Nagar.

2. The present FIR came to be registered at the instance of Gurdial Singh and reads as under:-

“Statement of Gurdial Singh son of Dalip Chand, am resident of village Herian, Police Station Mukandpur, District Shaheed Bhagat Singh Nagar, age about 68 years, mobile: 94654-62309. Stated that I am resident of abovesaid address and I am labourer by profession. ON dated 07-12-2021, at about 16:00 Hours, my son Chander Gupat, age about 32 years

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while riding on motorcycle bearing RC No: PB32-V-7377, Marka Hero Honda of Black colour had gone at somewhere from house. After that my daughter Rajwinder Kaur made telephonic call to my son on his mobile No: 78890- 73181 at about 16:31 hours, that time mobile of my son was showing switched off. After that we all member started search of my son, but he did not trace out. On dated 08-12-2021 my family and relatives started to search to my son Chander Gupat. That my son in law namely Jasvir Pal son of Teju Ram, resident of village Katt, Police Station Beharam & one Jaswinder Singh @ Sodhi son of Satnam Singh, resident of village Horiyan, while searching to my son reached at brick Kiln, situated near huts, near Mai Dita, area of Water channel, where Jasvir Pal and Jaswinder @ Sodhi checked the empty huts, upon checking huts motorcycle of my son bearing RC No: PB-32-V-7377, Marka Honda, seen standing here in one hut, which was locked and there was dead body of my son was lying in the corner of another hut and they intimated this fact telephonically. Upon which I and my family members and the Gram Panchayat of the village reached at the spot and after reaching here I saw that there were some symbols injuries on the neck of my son and I intimated to the police of Police Station Aur and the police party reached at the place of occurrence and the police initiated proceedings on my statement. The police by getting conduct postmortem of the dead body of my son from the board of doctors from civil hospital Nawanshahar and had handed over the dead body to us for last cremation. About three months ago my son Chander Gupt had love with one Jasvir Kaur @ Sundari wife of Sukhwinder Kumar @ Binda son of Bag Ram, resident of village Herrian and they were used to make telephonic calls at different times and Sukhwinder Kumar Binda, husband of

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Jasvir Kaur @ Sundari had come to know about these illegal relations and there was huge news in village about their love relations. After knowing these relations, Jasvir Kaur @ Sundari had started to keep enmity against my son Chander Gupt @ Pae. That Sukhwinder Kumar @ Binda used to see to my son Chander Gupat with evil eye in the way. Tarlochan Singh @ Tochhi son of Des Raj, resident of village Horiyan, who is friend of Sukhwinder Kumar @ Binda is used to visit at shop of Binda [Building Material shop]. That one Baljinder Singh @ Lali son of Lal Chand, resident of village Jhingra, who is friend of Tarlochan Singh @ Tochhi generally is also use to visit the shop of Baljinder Singh @ Lali, to whom I knows well. Now I and my family have enquired the matter at our own legal and I have full confidence that the abovesaid Sukhwinder Kumar @ Binda son of Bag Ram resident of village Horiya, Tarlochan Singh @ Tochi son of Des Raj resident of village Horiyan; Baljinder Singh @ Lali son of Lal Chand, resident of village Jhingra, Police Station Mukandpur have murdered my son Chander Gupat. Legal action may be taken against abovesaid Sukhwinder Kumar @ Binda; Tarlochan Singh @ Tochhi and Baljit Singh @ Lali. I am recording this statement in the presence of my son Jaspreet Singh. I have got recorded my statement, heard it, which is correct. Sd/- Gurdial Singh; sd/- Jaspreet.”

5. During the course of investigation, on 10.12.2021, Sukhwinder Kumar @ Binda (since granted bail vide a common order dated 14.12.2023 passed in CRM-M-40301-2023) and Tarlochan Singh @ Tochi (petitioner) were apprehended in this case and a motorcycle bearing registration No.PB-

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interrogation, Sukhwinder Kumar @ Binda and Tarlochan Singh @ Tochi disclosed the names of the other co-accused as Baljinder Singh @ Lali (since granted bail vide a common order dated 14.12.2023 passed in CRM-M-45404-2023) who was arrested on 10.1.2021.

Sukhwinder Kumar @ Binda and Tarlochan Singh @ Tochi got recovered a black polythene bag containing the mobile phone of Chander Gupta make VIVO alongwith the SIM card, one key of a motorcycle, one black purse which was containing one passport size photo of Chander Gupta, photocopy of an Aadhar Card, Indian currency of Rs.150/- alongwith a black muffler. Baljinder Singh @ Lali got recovered a motorcycle bearing registration No.PB-32-S-8648 alongwith a mobile phone make Nokia.

6. The learned counsels for the petitioner contends that the petitioner has been falsely implicated in the present case. He had been named in the FIR on the basis of suspicion and the recoveries had been planted upon him. As the petitioner was a first-time offenders, in custody since 10.12.2021, only 04 of the 29 prosecution witnesses had been examined so far, the Trial in the present case was not likely to be concluded anytime soon and therefore, they were entitled to the concession of bail.

7. The learned counsel for the State, on the other hand, contends that when the accused were arrested, they suffered their disclosure statements admitting to have committed the offence in question. They also got recovered articles belonging to the deceased. Thus, there was sufficient

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serious nature of the allegations levelled against him, he was not entitled to the grant of bail. He, however, concedes that the petitioner was a first-time offenders, in custody since 10.12.2021 only 04 of the 29 prosecution witnesses had been examined so far and that two co-accused, namely, Sukhwinder Kumar @ Binda and Baljinder Singh had been granted the concession of bail.

8. I have heard the learned counsel for the parties.

9. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is a first-time offenders, in custody since 10.12.2021 and only 04 of the 29 prosecution witnesses have been examine so far. Therefore, the trial in the present case is not likely to be concluded anytime soon. In this situation, further incarceration of the petitioner is not required.

10. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Tarlochan Singh @ Tochi is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

11. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and shall file an affidavit each time that he is not involved in any other case/crime other than the present case.

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12. If any attempt whatsoever is made by the petitioner and/or his family members/friends to contact/threaten/intimidate any of the witnesses of the present occurrence, the State/complainant shall be at liberty to move an application for cancellation of bail granted vide this order.

13. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.

14. These petitions stand disposed of.

January 12, 2024
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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