

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2174-2024

Date of Decision:28.02.2024

Jatinder Singh

...Petitioner

VS.

State of Punjab

...Respondent

Coram : **Hon’ble Mr. Justice N.S.Shekhawat**

Present : Mr. Parshant Vashisht, Advocate for
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail to him in case FIR No. 113 dated 06.07.2021, registered under Sections 302,460,34 of IPC, Police Station Doraha, District Ludhiana (Police District Khanna).
2. The FIR in the present case was registered on the basis of the statement made by Harwinder Singh son of Sher Singh and the same has been reproduced below:-

“Statement is made by Harwinder Singh s/o Sher Singh r/o Ghaddani kalan age 43 yrs 9815342823. It is stated that I am resident of above said address, and work as taxi driver on my car and park the same in Ghaddani kalan. My three aunties (Bua) are married in Ghaddani, out of which one Manjeet Kaur w/o Ajmer Singh is no more now; one of her son is Harjinder Singh and Jasbir Kaur is her daughter, Jasbir kaur is living with his family in England from last 30-32 years. Harjinder Singh is married to Daljit kaur r/o Vill-Khant 15 yrs ago and they are issueless, now from last 7-8 yrs they are staying in Vill-khant and Harjinder Singh sometimes comes to Ghadani for 2-3 days and returns

back. Today I was present in my home at 7 am and a call came from my bua's (aunt) daughter-in-law Balwinder kaur w/o Sukhwinder Singh r/o Ghadani, she told that Harjinder Singh has been found dead in his house and very foul smell is coming and come quickly. Then me and my wife Gurdip kaur, son of tayaji Harbans Singh s/o Jora Singh, Nirmal Singh s/o Ekam Singh r/o Ghadani came there where other people of village were also gathered. After that, all respectable of the village entered the house and found that clothes and other articles in the house were scattered. When we went on the backside of the house in store in the lobby blood was spread there, it got dried, it was towards old store. When we opened the door, the dead body of Harjinder Singh (son of my bua) was lying there, which was covered with old pallian, as mug gets were there on it (keedey padna) and it was giving foul smell. We gave call to his wife Daljit kaur 9914195758 and explained her the situation. She told that her husband had gone on 2.7.2021 in evening for sowing from vill:- Khat and on 3.7.2021 he had also gone in morning to daughter in law of his massi Balwinder Kaur's house. She told us to keep the keys of her house as She had to go to Ahmedgarh. He has returned back to his house after taking the keys from Balwinder kaur's house at 11.30 am. Next day he did not leave the house. I am sure that on 3/4.7.2021 in between night some unknown person had entered from backside of house in Harjinder Sigh house and he had been strangulated with some cloth and had been murdered and his body had been kept in the old store on the backside of the house and covered with Duppattas (pallian) and there was also cut mark on his head, and the blood had spread on the lobby. Two broken teeth were also found there. Some articles were also stolen from the house. Regarding this I will tell you after inquiry separately. I along with cousin Harbans Singh was coming to you in police station and you have met me in the phirni of the Ghuddani. Statement is made to you, which is correct and necessary action may kindly be taken against unknown person Sd/-

Harwinder Singh”.

3. Learned counsel for the petitioner contends that the petitioner has neither been named nor any role has been attributed to him. He further contends that the petitioner has been arrayed as an accused on the basis of the statement made by Daljit on 16.07.2021. Learned counsel further contends that in the present case, statement of Harvinder Singh was also relied by the prosecution. However, Harvinder Singh examined as PW-1 and Davinder Singh has been examined as PW-4 and both the said witnesses have not supported the case of the prosecution. Learned counsel next contends that the petitioner was arrested in the present case on 17.07.2021 and is continuing in custody for the last more than 02 years and 07 months. Even 06 witnesses out of total 26 witnesses have been examined so far and further custody of the petitioner will not serve any meaningful purpose.

4. On the other hand learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the serious allegations have been levelled against the present petitioner and does not deserve the concession of bail.

5. I have heard the learned counsel for the parties and perused the record carefully.

6. The petitioner is in custody for the last more than 02 years and 07 months and the material witnesses have been examined by the prosecution. Further, from the testimonies of PW-1 Harwinder Singh and PW-4 Davinder Singh (Annexures P-2 and P-3), it is apparent that both the material witnesses have turned hostile and have not supported the case of the prosecution.

7. Without commenting on the merits of the case, the present petition

is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate.

28.02.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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