

**213 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH****CRM-M-1688-2024 (O&M)****Date of Decision: 19.01.2024****SUKHDEV SINGH @ SUKHA****...Petitioner****V/S****STATE OF PUNJAB****...Respondent****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Ravi Malhotra, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. This is the second petition under Section 439 of Cr.P.C. seeking grant of regular bail to the petitioner in the case bearing FIR No. 30 dated 12.03.2022 registered under Sections 302, 148, 149, 120-B of Indian Penal Code at Police Station Lohian, District Jalandhar.
2. The petitioner has earlier approached this Court by filing CRM-M-44538-2022 and this Court vide order dated 24.04.2023 directed the trial Court to conclude the trial by 31.07.2023.
3. The FIR in question was lodged on the statement made by complainant-Hardev Singh on the allegations that he is working as labourer. He has two children, one son and one daughter, whereas his younger son's name is Sonu and he is aged 22 years. He is also working as labourer. On 11.03.2022, at 05:00 p.m Aman Kaur wife of Balraj Singh and her mother in law Sukhwinder Kaur @ Pallo wife of Balwinder Singh came to their house and demanded help from his son for bringing the fodder on tractor trolley. His son went alongwith them

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to bring fodder on tractor trolley. At about 10:00 P.M. Surinder Singh came to his house and told that his son Sonu has suffered many injuries and he is lying in serious condition in the clinic of Dr. Joga Singh. Complainant went to the clinic of Dr. Joga Singh, where his son was lying in serious condition and he was having many injuries on his body and after arrangement of vehicle, he took his son to Civil Hospital Nakodar, where he was advised for ECG. Complainant brought his son to Innoset Hospital, Jalandhar and when he was taking away his son after ECG, then his son was declared dead and dead body has been deposited in the hospital. Complainant alongwith respectables have lodged the report with the further allegations that he has full belief that his son's murder has been committed by Sukhdev Singh and Raja alongwith two other unidentified persons and due to the beatings caused by Aman Kaur wife of Balraj Singh, Sukhwinder Kaur @ Pallo. Complainant further alleged that the motive behind the occurrence is that his son Sonu is often on visiting terms at the house of Aman Kaur and she was calling her son repeatedly to the house, but other family members were having grudge against Sonu. On the basis of these allegations, present FIR was got registered and challan has been presented in the Court.

4. Learned counsel for the petitioner *inter alia* contends that the complainant has approached this Court by filing CRR-1970-2023, by challenging the order vide which the application filed by the complainant under Section 319 Cr.P.C. was rejected by the trial Court. Learned counsel further submits that all the witnesses have been examined and now this Court has stayed the passing of judgment by the

trial Court. Learned counsel further submits that petitioner has been falsely implicated in the present case. Till date, the cause of death has not been declared by the Medical Officer. Dr. Jasbir Singh, who appeared as PW-5 before the learned trial Court has deposed that the possibility of injuries on the person of deceased as a result of falling on irregular hard surface cannot be ruled out. As per the record, Narinder Singh and Balbir Singh, who had identified the deceased Sonu, had not disclosed the mode and manner of the injuries caused to the deceased and the petitioner has suffered incarceration for more than 01 year and 10 months. The Investigating Officer namely SI Sawinder Singh while appearing as PW-4, in his cross-examination has admitted that all the eye-witnesses have disclosed that the petitioner is innocent and he has not committed any crime in this case and in his entire investigation, nothing has come on record that the accused-petitioner has committed any murder in the case.

5. Per contra, learned State counsel opposes the prayer of grant of regular bail to the petitioner on the ground that apart from the testimony of SI Sawinder Singh-PW-4, there is sufficient material available on record to indicate the complicity of the petitioner in the alleged murder of the deceased-Sonu.

6. Having heard the learned counsel for the parties and after perusing the record, it transpires that the petitioner has already undergone custody of 01 year 10 months and 08 days as on 18.01.2024. Culpability, if any, would be determined at the time of trial.

7. Without commenting upon the merits of the case, lest it may prejudice the outcome of the trial, the present petition is allowed and

petitioner- Sukhdev Singh @ Sukha is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

8. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

19.01.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No