



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.2393 of 2024
Date of decision: 3rd October, 2024

Harpal Singh @ Pala
... Petitioner

Versus

State of Punjab
... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amit Jhanji, Senior Advocate with
Mr. Jasraj Singh, Mr. Hakikat Singh
& Ms. Kudrit Kaur Sara, Advocates for the petitioner.

Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.64 dated 13.04.2023 under Sections 302, 201, 34 of the IPC registered at Police Station Mahilpur, District Hoshiarpur.

2. Learned senior counsel for the petitioner submits that the petitioner has been in custody since 10.05.2023 in a case hinging entirely on circumstantial evidence. It has been submitted that an FIR was registered on 13.04.2023 after the dead-body of the deceased was recovered with severed limbs from near the bushes in village Bhatpur, at the instance of a Member Panchayat. Thereafter, a post-mortem was conducted upon the dead-body and since no-one came forward to claim

the dead-body, it was cremated after following due procedure. Learned senior counsel further submits that on 09.05.2023, on the basis of some photograph appearing in the newspaper, father of the deceased identified the deceased Amit Kumar as his son and got recorded his statement (Annexure P-2), wherein he alleged that his deceased son had been called on 10.04.2023 by one Bablu Sharma and thereafter, had not returned home; when an enquiry was made from Bablu Sharma, he informed him that he was unaware about the whereabouts of his son; he then made further enquiries and learnt that Bablu Sharma along with his accomplices including the petitioner had murdered his son. Learned senior counsel has submitted that strangely, Bablu Sharma had been exonerated during investigation whereas the petitioner had been challaned and put to trial for the murder of Amit Kumar. He asserts that the motive which plays a prominent role in such like cases, is not even clearly forthcoming, which further lends credence to the petitioner's false implication in the present case. It has still further been argued that as per the case of the prosecution, a confessional statement was allegedly made by the petitioner before the police admitting to his involvement in the crime in question, which on the face of it, has no evidentiary value and is hit by Section 25 of the Evidence Act. Learned senior counsel has thus, submitted that in the aforementioned facts and circumstances, further incarceration of the petitioner would serve no useful purpose as the complainant has been examined, and 15 prosecution witnesses still remain to be examined.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Onkar Singh, has not disputed that it is a blind murder. However, attention of this Court has been drawn to the statement of the father of the deceased, which has been annexed as Annexure P-2 and which stands reproduced hereinunder:

"Statement of Joginder Singh, son of Mohinder Singh, resident of Dadula, Police Station Gangoh, District Saharanpur, State Uttar Pradesh (U.P.), aged about 54 years, M. No. 97597-90170, under Section 173 Cr. P.C., stated that I am resident of above-mentioned address and work as a lineman with a private contractor in the electricity department. I have two sons and a daughter. My daughter is married and two sons, who are both still unmarried. Out of them, one of my sons, namely Amit Kumar, whose date of birth is 15-3-1994, was working as an agriculturist. On 10-4-2023, his surety Bablu Sharma, son of Vinod Sharma, resident of Beenpur, Police Station Gangoh, District Saharanpur, State Uttar Pradesh (U.P.) called my son Amit Kumar to him. After that my son Amit Kumar has not come back home till today. Regarding whom I made an enquiry from his friend Bablu Sharma. Who told me that he does not know anything about my son Amit Kumar. I personally enquired about the disappearance of my son Amit Kumar. About which I came to know that my son Amit Kumar was murdered by the said Bablu Sharma and his two accomplices Harpal Singh Pala, son of Mohinder Singh, resident of Gangoh, Near Teacher Colony, Shobhit University, Police Station' Gangoh, District Saharanpur, State Uttar Pradesh (U.P.) and

Kundan Singh & Mangal, son of Balvir Singh, resident of Gurchhappar, Police Station Gangoh, District Saharanpur, State Uttar Pradesh (U.P.). I came to know that the dead body of a young man was found on 13-4-2023 in the forests of Village Bhatpur Jogian of Police Station Mahilpur, District Hoshiarpur (Punjab). About which I have come to Police Station Mahilpur to find out about this with my son Vineet Kumar. Where I came and saw the photographs of the dead body and also saw the underwear worn on the body of the dead body. These photos are of my son Amit Kumar and the underwear he is wearing also belongs to my son Amit Kumar. Regarding which I am now fully convinced that On 10-04-2023, Bablu Sharma abovesaid and his accomplices Harpal Singh @ Pala, son of Mohinder Singh, resident of Gangoh, Near Teacher Colony, Shobhit University, Police Station Gangoh, District Saharanpur, State Uttar Pradesh (U.P.) and Kundan Singh & Mangal, son of Balvir Singh, resident of Gurchhappar, Police Station Gangoh, District Saharanpur, State Uttar Pradesh (U.P.), in connivance with each other, called my son to him and killed him along and threw the dead body in the forest of Village Bhatpur Jogian. Appropriate legal action should be taken against the said persons. I have got recorded this statement to you in presence of my son Vineet Kumar. Statement hard, which is correct.”

4. Learned State counsel, on instructions, has not disputed that the father of the deceased had raised a suspicion at the first instance against Bablu Sharma, who had since been exonerated. It has also not been disputed by the learned State counsel that the complainant has

already been examined and 15 prosecution witnesses still remain to be examined. On further instructions, he has submitted that the petitioner after being arrested had confessed to his involvement in the crime in question. On a further query, learned State counsel has submitted that the motive to commit the crime in question was an alleged suspicion that the deceased had been hired by one lady namely Maya to kill the petitioner.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. The petitioner has now been in custody since 10.05.2023 and there is no likelihood of the trial concluding in the near future as 15 prosecution witnesses still remain to be examined. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

October 3, 2024

rps

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