

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.5117 of 2024
Date of decision: 5th March, 2024

Labh Singh
... Petitioner
Versus
State of Punjab
... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Monika Thakur, Advocate for the petitioner.
Mr. Navdeep Singh, Dy. Advocate General, Punjab
for the respondent/State.
Mr. Tajinder Pal S. Makkar, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.190 dated 04.09.2019 under Sections 364, 302, 201 of the IPC registered at Police Station Lambi, District Muktsar Sahib.
2. Learned counsel for the petitioner inter alia that false and fabricated case has been planted upon the petitioner, who has now been in custody since 06.09.2019. It has been further submitted that the case in hand rests on circumstantial evidence, however, there was no clear cut motive forthcoming against the petitioner to have committed the murder of the deceased. Learned counsel has also submitted that the petitioner has clean antecedents and is not involved in any other criminal case and

hence, on this ground also he deserves to be extended the concession of bail as trial would still take considerable time to conclude.

3. Per contra, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. He, on instructions from ASI Dalbir Singh, has submitted that soon after the deceased went missing on 24.08.2019, a missing report was lodged by his family; subsequently, it was on the basis of an extra-judicial confession suffered by the petitioner that the dead body of the deceased was exhumed from the courtyard of his own house and in the presence of Naib Tehsildar. Learned State counsel submits that in the facts and circumstances, there is no question of the petitioner being falsely implicated in the case in hand. It has also been submitted that the motive to commit the crime in question was some monetary dispute between the deceased and the petitioner. Learned State counsel, on further instructions, has informed the Court that 8 prosecution witnesses stand examined out of the 25 cited and the remaining prosecution witnesses are mostly formal in nature; the next date fixed before the trial Court is 01.04.2024, when some more formal witnesses are likely to be examined and hence, trial would not take much time to conclude.

4. It has also been brought to the notice of this Court by the learned State counsel that the petitioner made an extra-judicial confession before one Harjinder Singh, Ex. Sarpanch, who had been examined before the trial Court and had supported the case of the prosecution.

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

6. No doubt, the petitioner has been in custody since 06.09.2019, however, in the wake of the allegations leveled against him coupled with the recovery of dead body of the deceased on his own disclosure statement and that too from his own house, this Court would not be inclined to extend the concession of bail to the petitioner. The petition stands dismissed. 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.

7. At this stage, a prayer has been made by learned counsel for the petitioner that keeping in view the long incarceration of the petitioner, the trial Court be directed to expedite the trial and conclude it at the earliest.

8. The trial Court shall make earnest efforts to conclude the trial expeditiously, preferably within a period of next four months.

(MANJARI NEHRU KAUL)
JUDGE

March 5, 2024
rps

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