

CRM-M-9964-2024

-1-

(234)
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9964-2024
Date of Decision: 03.04.2024

SUKHCHAIN SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Baljinder Singh, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.10 dated 27.02.2023 registered under Sections 302, 34 IPC at Police Station Sherpur, District Sangrur, Punjab.

2. The present FIR came to be registered at the instance of Harjeet Kaur wife of Mahinder Singh and the same reads as under:-

“Statement of Harjeet Kaur, wife of Mahinder Singh, son Bikkar Singh, resident of Gandeewal (Gurbakshpura), aged approximately 50 years, mobile number 6280493196, states that I resides at the aforementioned address and I am engaged in household chores. We are four sisters and brothers, among whom I am the eldest. My younger sister is Sukhdeep Kaur, wife of Sukhdev Singh, resident of Bhador, my younger brother is Chuhar Singh, and the youngest brother is Swaran Singh alias Soma, aged approximately 35 years. The three elder siblings are married, and the youngest

brother Swaran Singh, alias, is unmarried. There is an ongoing land dispute between my two brothers, which is why both brothers live separately in their own houses, and the wall between their houses is shared. My younger brother Swaran Singh, alias Soma, used to often come to me, but for the past three days, he has not visited me. Due to his absence, I went to meet him today around 11:15 AM at the village Ramnagar Channa, where I noticed at the phirni of the Village that the main gate of his house was open and the door of the inner room was locked. There was a strong smell coming from inside the room. My brother had a long-standing friendship with Satnam Singh, alias Satta, son of Jugga Singh, and Sukhchain Singh, alias Sukichaini, son of Bahadar Singh, residents of Ramnagar Channa, who are both addicted to drugs. I came to know that they together had committed theft at some house in the Village and while sharing the stolen articles among themselves they had a fight, which resulted in Satnam Singh, alias Satta, and Sukhchain Singh, alias Sukhchaini, beating my brother Swaran Singh, alias Soma, to death by inflicting injuries. Action may kindly be taken. Statement written, heard, and understood. Complainant LTI/- Harjeet Kaur.”

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case on the basis of suspicion. There was no substantial evidence inculcating the petitioner. No recovery of any weapon was effected from the accused. The fingerprint samples had been lifted from a lock and bottle of liquor and were found to contain the fingerprints of co-accused Satnam Singh. Even this piece of evidence was not enough to establish the culpability of the petitioner or Satnam Singh. As the petitioner was in custody since 27.02.2023 and only 03

out of the 20 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

4. A reply dated 01.04.2024 by way of an affidavit of Talwinder Singh Gill, PPS, Deputy Superintendent of Police, Sub Division, Dhuri has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. He contends that as per the opinion of a Board of Doctors, the cause of death was asphyxia as a result of injuries which was sufficient to cause death in the ordinary course of nature. He further contends that the petitioner was duly named in the FIR. Therefore, he was not entitled the concession of bail. He, however, concedes that no weapon was recovered from the accused, the petitioner was in custody since 27.02.2023 and that only 03 out of the 20 prosecution witnesses had been examined so far.

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

6. 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 in custody since 27.02.2023 and only 03 out of the 20 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Sukhchain Singh alias Sukhchaini son of Bahadar Singh is ordered to be released on bail subject to his furnishing

CRM-M-9964-2024

-4-

bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

03.04.2024
JITESH

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