

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-12889 of 2024
Date of Decision:19.03.2024

Sajandeep Singh @ Sajan

....Petitioner

Versus

State of Punjab

.....Respondents

CORAM: HON’BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Umesh Aggarwal, Advocate,
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab

PANKAN JAIN, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.211 dated 21.11.2019, registered under Sections 302 and 34 of the IPC, at Police Station Chattiwind, District Amritsar.
2. FIR was registered on the statement made by Karamjit Kaur widow of deceased Balkar Singh alleging as under:-

“It is requested that I Karamjit Kaur widow of Balkar Singh resident of village Warpal, District Amritsar and make the following request that I got married to Balkar Singh son of

Swaran Singh resident of Kuharka District Tarn Taran about 20 years ago. I have two children, a boy Amritpal Singh aged about 18 years and a girl Sukho aged about 16 years. The girl lives with me while the boy lives with his uncle (Taya Ji) Lakhwinder Singh at village Kuharka. As I did not have any brothers and sisters, my husband and I started staying at Varpal village. That yesterday on 20.11.2019 at around 6:00 pm, the said Shamsher Singh alia Shera called my husband from home and took him in front of me, who did not come back that night. I kept looking for him. When I was going to pay obeisance to the Gurdwara Sahib of the village around 6/7 in the morning, I saw that the mutilated body of my husband Balkar Singh was lying near the Gurdwara, I am sure that my husband was killed by Shamsher Singh alias Shera and might have teamed up with Sheetu son of Hakam Singh because Sheetu often suspected that his wife had illicit relations with my husband and Shamsher Singh alias Shera was already out on bail in the murder case. So, a case should be registered against the said two accused and an investigation should be conducted, if the investigation reveals any other suspect, then action should be taken against them.”

3. Karamjit Kaur is further stated to have suffered supplementary statement during the course of investigation wherein she claimed that motive behind murder of her husband was that Balkar Singh had taken some articles from the house of Shamsher Singh while Shamsher Singh and his son were in jail. After Shamsher Singh got released on bail, he came to house of Balkar Singh and threatened him for having committed cheating in friendship. Thus, Karamjit Kaur claimed that it is Shamsher Singh and his son who murdered her husband. As per the prosecution, Shamsher Singh also suffered disclosure statement while he was in custody. During interrogation, he

admitted his guilt and also nominated his son i.e. the present petitioner. Further, the case of the prosecution is that the sword was recovered on the disclosure statement made by Shamsher Singh and *Datar* was recovered on the disclosure statement made by the present petitioner. *Datar* has been tested by the Forensic Lab and is found to be sustained with human blood.

4. Learned State counsel, on instructions from ASI Jagjeet Singh, does not dispute that no further endeavour was made to match that with the blood group of the deceased.

5. Learned counsel for the petitioner thus submits that it is a case of circumstantial evidence and there is nothing to link the petitioner with the present offence as neither there is any eye witness nor is any incriminating evidence against him. Disclosure statement made by Shamsher Singh while he was in police custody, is hit by Sections 25 and 26 of the Evidence Act, 1872 and cannot alone be relied upon to link the petitioner with the present offence. He further submits that the petitioner is behind bar for more than 4 years and none of the witness has been examined till date.

6. Learned State counsel does not dispute the aforesaid facts.

7. After hearing rival contentions of learned counsel for the parties, keeping in view the nature of allegations against the petitioner that has come on record and the fact that despite four years no prosecution witness has been examined, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. However, anything observed hereinabove shall not be treated as

an expression of opinion on merits of the case and is only meant for the purpose of decision of the present petition.

9. Pending applications, if any, also stand disposed of.

(PANKAN JAIN)
JUDGE

March 19, 2024
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Whether speaking	:	Yes
Whether reportable	:	No