

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-10710-2024

Date of Decision:-24.04.2024

Rajinderpal Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Sandeep Sharma, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, AAG Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.0024 dated 18.03.2022 under Sections 302 IPC registered at Police Station Samrala, District Ludhiana, Punjab.

2. The present FIR came to be registered at the instance of Sukhwinder Singh son of Makhan, Singh and reads as under:-

“ Statement of Sukhwinder Singh son of Makhan Singh, resident of Ram Nagar Mohalla. Street No. 01. Tibba Road Ludhiana, Police Station Tibba, District Ludhiana age about 30 years mobile number 97805-40980 stated that I am a resident of the said address and am a labourer. We are 05 brothers and sisters. My eldest sister is Kulveer Kaur, younger to her is my sister Lakhveer Kaur, younger to her is my sister Rajveer Kaur. I am younger to them and my younger brother is Gurwinder Singh. We both brothers are unmarried. My sister Kulveer Kaur has expired. My sister Lakhveer Kaur was married to Sukhwinder Singh son of Gurmeet Singh resident of village Ghulal police station Samrala

district Ludhiana in the year 2005. They had 03 children. Out of them 02 daughters have died and one daughter Ramanjeet Kaur aged about 14 years is allive. My sister Lakhveer Kaur was separated from her husband. Because of this, now my sister Lakhveer Kaur along with her daughter Ramanjit Kaur was residing at Dabbi Bazaar. Samrala, in the house owned by Modi Shukla son of Pyare Lal resident of Ward No. 04, Kang Mohalla near Dabbi Bazaar, Pandita Vali Gali, since around 02 months on rent. My niece Ramanjit Kaur has been staying with us for the last 5/6 months. Today around 10.00 AM. received a call from some of my relative, who told me that your sister Lakhvir Kaur has been murdered by some. Unknown person. Then I came to Samrala along with my brother Gurwinder Singh and other relatives. Where I saw that my sister Lakhvir Kaur was strangulated with a rope around her neck and there weer injury marks.”

3. During the course of the investigation the statement under Section 161 Cr.PC of Modi Shukla was recorded to the effect that petitioner has confessed before him that he (petitioner) had committed the murder of Lakhveer Kaur on the night intervening night of 17/18.03.2022 at about 8.00 pm. On the basis of the said statement, the petitioner was nominated as accused in the present case and was arrested on 21.03.2022.

During the course of custodial interrogation he got recovered a knife allegedly used in the occurrence and two mobile phones of the deceased.

4. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. Be that as it may the statement of Modi Shukla was recorded as PW-1 and he has not supported the prosecution case. He has therefore been declared a hostile witness. The recovery of the knife and mobile phone of the deceased had been planted upon the petitioner. As the petitioner was in custody since

26.03.2022 but only 01 of the 26 Pws 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, moreso when he had clean antecedents.

4. The Counsel for the State on the other hand has filed a short reply by way of affidavit dated 24.04.2024 of Mr. Tarlochan Singh, PPS, Deputy Superintendent of Police, Samrala, Police District Khanna, District Ludhiana in court today, which is taken on record. While referring to the said reply he contends that the petitioner had made extrajudicial confession before Modi Shukla disclosing as to how and in what manner he had committed the offence in question. He had also got recovered the bloodstained knife and mobile phones of the deceased and, therefore he was not entitled to the concession of bail. However, the counsel concedes that Modi Shukla had been examined as PW-1 and had not supported the prosecution case as also the fact that the only 01 of the 26 Pws had been examined so far and that the petitioner had been in custody since 26.03.2022.

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

6. Admittedly, the star prosecution witness Modi Shukla has been examined as PW-1 and has not supported the prosecution case. Whether the other evidence available against the petitioner is sufficient to establish his guilt would be adjudicated upon during the course of the Trial. As the petitioner is a first time offender, in custody since 26.03.2022 but only 01 of the 26 Pws 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.

9. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Rajinderpal Singh** son of Sh.

Bhupinder Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

April 24, 2024
Vinay

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