

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14167-2023 (O&M)

Amarjit @ Amarjit Kualdhar

.....Petitioner

Vs.

The State of Punjab

.....Respondent

Reserved On: 05.01.2024

Pronounced On: 08.01.2024

CORAM: - HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: - Mr. Lakhwinder Singh Lakhanpal, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

DEEPAK GUPTA, J.

By way of this petition filed under Section 439 Cr.P.C., petitioner prays for his release on regular bail in case FIR No.120 dated 13.07.2018 registered under Sections 302/201/34/120-B of the IPC, at Police Station Sadar Jalandhar, District Police Commissionerate Jalandhar.

2. As per the FIR lodged on the statement of Kanwer Singh, on 12.07.2018 at about 03:00 p.m., his son Sukhjit Singh @ Sucha (since deceased) went away from home. At about 06:30 p.m., complainant was sitting near water tank on Bhardwajian Road, when he noticed his son on the motorcycle of Amarjit Singh (*petitioner herein*) at the water tank. Said motorcycle was being driven by his son, whereas petitioner Amarjit Singh and Pawan Kumar @ Pawani were sitting behind. Sukhjit Singh @ Sucha did not return. On 13.07.2018, dead body of said Sukhjit Singh was found lying in the water tank

with injury marks on his throat, right wrist and other parts of the body.

3. FIR was registered. Post-mortem of the deceased was got conducted. Petitioner Amarjit and Pawan Kumar were arrested on 16.07.2018. They suffered disclosure statements to have committed the murder of Sukhjot Singh @ Sucha by inflicting *Gandasa* blow and that they had thrown the two *Gandasas* in the bushes near the canal. They also disclosed to have thrown the wallet of the deceased. On the basis of these disclosure statements, they got recovered the wallet of the deceased as well as the *Gandasas* used in the offences, which were seized vide separate parcels. The accused also got recovered motorcycle used in the crime besides the blood-stained clothes worn by them at the time of crime. After completion of investigation final report under Section 173 Cr.P.C. was filed before the Trial Court to prosecute petitioner and co-accused Pawan on 05.10.2018. Charges were framed on 12.11.2018.

4. It is contended by learned counsel that petitioner has been falsely implicated; that case is based on circumstantial evidence; that petitioner is in custody for the last more than 05 years and trial is not likely to be concluded soon. Learned counsel contends that all the material witnesses have since been examined and so, petitioner be allowed bail.

5. Learned State counsel has opposed the bail petition by submitting that petitioner is specifically named in the FIR, as he was seen for the last time in the company of the deceased, along with co-accused Pawan. Learned State counsel also submits that *Gandasa* used in the crime besides wallet of the deceased were recovered at the behest of the petitioner and the co-accused.

However, it is conceded by learned State counsel that out of 35 witnesses cited by the prosecution, only 08 have been examined so far. It is also informed by learned State counsel that all the 05 material witnesses have since been examined.

6. I have considered submissions of both the sides and have perused the record.

7. As per the status report, petitioner was taken into custody on 16.07.2018, which means that his custody period is now more than 05 years and 05 months. Material witnesses have since been examined as informed by learned State counsel. The case is dependent upon circumstantial evidence. There is a long list of prosecution witnesses being 35, as informed by learned State counsel and thus, trial is likely to take long time to conclude.

8. Having regard to all the aforesaid facts and circumstances, particularly considering the long incarceration of the petitioner in custody and unlikelihood of early conclusion of the trial, but without commenting anything further on the merits of the case, the present petition is hereby allowed. Petitioner is directed to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

January 08, 2024

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No