



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

CRM-M-16153-2024

Date of Decision:-05.08.2024

Wilson Masih @ Pamma @ Wilson Gill.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

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

Present:- Mr. B.D. Sharma, Advocate for the Petitioner.

Ms. Ramta K Chaudhary, Deputy Advocate General, 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.214 dated 21.12.2023 under Section 302, 450, 120-B IPC registered at Police Station Cantonment, District Police Commissionerate.

2. The present FIR came to be registered at the instance of Satnam Singh Gill @ Satta and reads as under:-

“ Statement of Satnam Singh Gill alias Satta s/o Sri Baldev Singh r/o House No. 198, New Colony, near Valmiki Murti, Ram Tirath Road, Amritsar, aged about 42 years mobile no. 8054782310. Stated that I am a resident of above address and is doing Sewa in Dargah Baba Gujshah, Gawal mandi. We are two brothers and two sisters. We all are married. My Father Baldev Singh s/o Inderjit Singh aged about 70 years who had retired from FCI department and for the last about 20-25 years,



had been its Chief Sewadar (Gaddi Naseen). He used to stay in the Dargah and visit home for dinner only. Yesterday night, on 20/12/2023, at about 10:30 p.m., my father Baldev Singh after taking the meals at home had gone to Dargah and today on 21/12/2023, at 7 a.m., I, as per my daily routine, went to the Dargah for doing sewa and found that the main door of the Dargah was lying locked from inside. I knocked the door and called loudly but my father Baldev Singh did not open the door. In the meantime, Harpreet Singh alias Ladda s/o Pritam Singh r/o Dharar, P.S. Jandiala Guru, Amritsar, also came to pay obeisance, it being Thursday. We both went to the backside of the Dargah and found that the backdoor of the Dargah was lying opened. Through which we entered inside and found that my father Baldev Singh was lying on the mattress laid on the ground. His mouth was soaked with blood, we tried to shake him up and found him to be dead. In this regard, I told my relatives and then my relatives and the residents of the Mohalla gathered. Wilson Masih alias Pamma, s/o Anthony Peter r/o Gawal mandi, who resides near the Dargah often used to hurl abuses at my father Baldev Singh, and threatened that he should leave the Dargah otherwise I will not spare your family. I fully believe that Wilson Masih alias Pamma s/o Anthony r/o Gawal Mandi, Amritsar, has got my father Baldev Singh killed through his associates. Therefore, legal action be taken against him and his associates. Statement has been read over and is correct Sd- Satnam Singh."

3. The learned counsel for the petitioner contends that other than the confessional statement of the petitioner during the course of his interrogation, there was absolutely no evidence inculcating the petitioner. As the petitioner was in custody since 21.12.2023, but none of the 20 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.

4. The Counsel for the State on the other hand has filed short reply



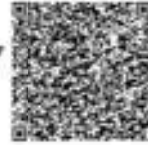
by way of affidavit dated 03.08.2024 of Mr. Sukhpal Singh, PPS, Assistant Commissioner of Police (West), Amritsar City, which is taken on record. While referring to the said reply, she contends that during the course of the custodial interrogation of the petitioner he suffered a disclosure statement to the effect that the deceased had practised black magic upon his (petitioner's) wife due to which she had died. The deceased had also threatened him (petitioner), therefore, he had committed the offence in question. She however admits that other than the confessional statement of the petitioner there was no other evidence against him as also the fact that the petitioner was in custody since 21.12.2023 and none of the 20 Pws had been examined so far.

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

6. The evidentiary value of the confessional statement of the petitioner in custody shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is a first time offender, in custody since 21.12.2023 but none of the 20 Pws had 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-**Wilson Masih @ Pamma @ Wilson Gill** son of Sh. Anthony Peter 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 petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case and also directed to surrender/deposit his passport immediately



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with the Trial Court, if not already done so.

11. If the petitioner or any of his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this Court.

12. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

11. The petition stands disposed of.

**(JASJIT SINGH BEDI)
JUDGE**

August 05, 2024
Vinay