



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

212

CRM-M-17953-2024 (O&amp;M)

Date of decision: May 17<sup>th</sup>, 2024

Sajandeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)CRM-20123-2024

Prayer in this application is for placing on record the zimni  
orders w.e.f. 10.03.2021 to 30.04.2024 passed by learned  
Additional Sessions Judge, Amritsar, as Annexure P-5.

Application is allowed subject to just exceptions.

Annexure P-5 is taken on record.

CRM-M-17953-2024

On 19.04.2024, following order was passed:-

*"Petitioner is seeking the concession of bail  
under Section 439 of the Code of Criminal Procedure,  
1973 in case FIR No.170 dated 20.12.2019 under  
Sections 302 and 34 of the IPC (Section 201 of the IPC  
added later on) registered at Police Station Sultanwind,  
District Amritsar.*

*Learned counsel for the petitioner, inter alia,  
contends that in a case resting on circumstantial*

*evidence, the petitioner has been in custody for more than 3½, years having been arrested on 29.12.2019. It has been further submitted that while lodging the FIR, the father of the deceased had alleged that two unknown boys had been staying in the house of his son-in-law for the past five days in connection with some business dealings and in all likelihood, those two boys, who hailed from Mehta and Khanna, had committed the murder of his son, who was found lying dead in the house. Learned counsel has further argued that it is highly improbable that in case someone would have been staying in the house of a person and that too for as many as five days, the complainant party would not have been aware of their names and would have definitely named them in the FIR, at the very first instance. It has also been submitted that no clear-cut motive to commit the crime in question was forthcoming against the petitioner; later on, the motive to commit the murder was stated to be some money dispute between the deceased and the accused/petitioner. However, during their deposition before the trial Court, both complainant and his son-in-law Jagtar Singh had come up with two contrary versions qua the motive to commit the crime in question. It has been further submitted that an extra judicial confession was also purportedly made by the petitioner before one Gurjant Singh, a friend of the deceased, wherein the petitioner allegedly confessed to having commit the murder on account of some money dispute. Learned counsel has still further submitted that there was neither any witness of last seen nor any other incriminating evidence collected by the investigating agency pointing towards the involvement of the petitioner in the murder of deceased Harbans Singh. Learned counsel has still further submitted that since all the material witnesses including the complainant, Jagtar Singh, brother-in-law of the deceased and*

*witness of extra judicial confession, Gurjant Singh stand examined, his further incarceration would serve no useful purpose as 19 prosecution witnesses still remain to be examined.*

*Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed that the instant case rests on circumstantial evidence, however, he has submitted that there was enough cogent evidence collected during investigation, showing the presence of the deceased with the petitioner and co-accused soon before his murder. It has also been submitted that the recovery of weapon of offence i.e. datar was affected pursuant to a disclosure statement made by the petitioner; two keys of the house of the deceased were also affected from him. Learned State counsel has on further instructions informed the Court that all the three material witnesses while stepping into the witness box have supported the case of the prosecution, though there had been minor discrepancies in their deposition with respect to the motive to commit the crime in question. Learned State counsel has also placed on record the custody certificate of the petitioner and submitted that the delay in the conclusion of the trial could also be attributed to his involvement in two other criminal cases under Section 302 of the IPC, in which he was facing trial. Learned State counsel has also submitted that the petitioner is involved in one case under Section 376 of the IPC.*

*Learned counsel for the petitioner has disputed his involvement in other criminal cases. He, however, seeks an adjournment to get relevant instructions in the said regard.*

*Adjourned to 17.05.2024.*

*Meanwhile, the trial Court shall make earnest efforts to expedite the trial.”*

2. The learned State counsel has placed on record the custody certificate of the petitioner today in the Court, wherein his involvement in any case under Section 376 of the IPC does not stand reflected. However, the involvement of the petitioner in one case under Section 302 of the IPC indeed stands reflected. However, even as per the custody certificate, the petitioner though was convicted, had already served out his sentence in the second criminal case registered against him.

3. On a pointed query put to the learned State counsel as to whether the recovery of the weapon of offence had been affected from the petitioner, he on instructions from ASI Angrej Singh, has conceded that no such recovery was affected from the petitioner and in fact a 'gatra' had been recovered from the co-accused. On further instructions, it has not been disputed by the learned State counsel that all the material witnesses stand examined including the complainant as well as the witness of extra judicial confession.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. In the facts and circumstances as enumerated hereinabove, since the petitioner has been in custody for 4 years and 6 months having been arrested on 29.12.2019 and as 25 witnesses out of the 28 cited by the prosecution still remain to be examined, further incarceration of the petitioner would serve no useful purpose as the trial would still taken considerable time to conclude. Hence, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned.

6.           However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.
7.           Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

May 17<sup>th</sup>, 2024  
*Puneet*

(MANJARI NEHRU KAUL)  
JUDGE

Whether speaking/reasoned       :       Yes

Whether reportable                :       No