

CRM-M-21603-2024
(211-3)

2024:PHHC:076178



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision: 28.05.2024

(1) CRM-M-21603-2024 (O & M)

Kala Singh @ Punjab Petitioner
V/s

State of Punjab ...Respondent

(2) CRM-M-17517-2024 (O & M) (Through Video Conferencing)

Mandeep Singh Petitioner
V/s

State of Punjab ...Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Rakhi Sharma, Legal Aid Counsel (in CRM-M-21603)
and Mr. Sumeet Puri, Advocate, (in CRM-M-17517)
for the petitioner(s).

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

This order shall dispose of two criminal miscellaneous petitions
i.e. CRM-M-21603-2024 and CRM-M-17517-2024 as they arise out of the
same FIR.

2. The petitioner-Kala Singh @ Punjab (in CRM-M-21603-2024)
and the petitioner-Mandeep Singh (in CRM-M-17517-2024) seek the grant

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25.01.2023 under Sections 120-B IPC (added later on), 201, 302, 404, 34 IPC registered at Police Station City Sunam, District Sangrur.

3. For the sake of convenience, the facts are being taken from the petition bearing No. CRM-M-21603-2024.

4. The present FIR came to be registered at the instance of Ranjeet Kumar Singh and reads as under:-

“Statement of Ranjeet Kumar Singh S/o Sh. Ram Sresht Singh S/o Jari Lal Singh Rio Shivam Colony, Nankiana Road, Sangrur, District Sangrur, aged about 40 years, M.No. 7889000149. It is stated that I am the resident of above said address. I have a factory situated at Ubhawal Road, Sangrur, where the black oil/mobil is recycled. I and my brother Manjeet Singh S/o Shri Ram Shresht was also residing in a house adjacent to my house. That he used to bring to my factory and sell me the black oil purchased from the workshops and mechanics from different cities. lie has kept a Bolero pickup car bearing no.PB13AR1722 for this purpose and he has employed one Tarwinder Singh @ Kali S/o Jagtar Singh R/o Namol Road, Village Ubhawal and Ranjeet Singh @ Jaggi S/o Jeewan Singh R/o Near Haripura Basti, Sangrur, as laborers along with him. On 20.01.2023 also, my above said brother Manjeet Singh had left in my presence, along with above said Tarwinder Singh @ Kali and Ranjeet Singh @ Jaggi, the persons employed by him, upon his car bearing above stated number, for the collection of black oil from different cities. He has also took a sum of Rs.60,000/- along with him for purchase of oil. But my brother Manjeet Singh did not come back home that day and we kept searching for him at our own level, as of now. That today I came to know that one unclaimed dead body has been kept in

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Civil Hospital, Sunam. I went to Civil Hospital, Sunam in order to see the same and I saw that that Sunam police has got conducted the postmortem of one unclaimed dead body and the dead body has been kept in the mortuary, on account of not conducting the funeral due to late hours, which was identified by me as the dead body of my aforesaid brother Manjeet Singh. In this regard, I am fully confident that my aforesaid brother Manjeet Singh has been murdered by Tarwinder Singh @ Kali and Ranjeet Singh @ Jaggi, the persons employed by my brother, in connivance with each other and has thrown the dead body in order to it in the area of Sunam and have taken a sum of Rs.60,000/- which was kept with him. I was coming to police station Sunam to give the information about it and you have met along with police party near Anand Chowk, Sunam. I have got recorded my statement, which has been read, heard and found to be correct. Required legal action may kindly be taken. Sd/- Ranjeet Kumar Singh”.

5. Ranjit Singh @ Jaggi and Tarwinder Singh @ Kali were arrested and disclosed that they had discussed with Kala Singh @ Punjab (petitioner in CRM-M-21603-2024) and Mandeep Singh @ Laddi (petitioner in CRM-M-17517-2024) regarding purchase of black oil and they (Ranjit Singh @ Jaggi and Tarwinder Singh @ Kali) were to snatch money from Manjit Singh, Kala Singh @ Punjab and Mandeep Singh @ Laddi asked them to throw the body of the deceased in the drain near Sunam.

Based on the disclosure statements of the arrested accused, the petitioners were arrested and got recovered 04 drums of black oil/mobil oil.

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6. The learned counsels for the petitioners contend that the petitioners had been falsely implicated in the present case. They were not named in the FIR. Even in the disclosure statements of the arrested accused, there was absolutely no attribution to them. At best, the petitioners had advised the main accused to throw the dead body of Manjit Singh in the area of Sunam. As the petitioners were in custody since 31.01.2023 and 29.01.2023 respectively, but none of the 21 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, they were entitled to the concession of bail.

7. The learned counsel for the State, on the other hand, has filed separate replies dated 28.05.2024 in both the above-mentioned cases. The same are taken on record. While referring to the said replies, he contends that the petitioners were aware of the fact that the main accused had committed the offence in question. They had also got recovered 04 drums of black oil/mobil oil. Therefore, the nature of the allegations levelled against the petitioners did not entitle them to the concession of bail. He, however, concedes that the petitioners are in custody since 31.01.2023 and 29.01.2023 respectively but none of the 21 prosecution witnesses had been examined so far.

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

9. The veracity of the prosecution case against the petitioners and their co-accused shall be adjudicated upon during the course of the Trial.

Admittedly, the petitioners are stated to be in custody since 31.01.2023 and

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29.01.2023 respectively and none of the 21 prosecution witnesses 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 petitioners is not required.

10. Thus, without commenting upon the merits of the case, the present petitions are allowed and the petitioner-Kala Singh @ Punjab (in CRM-M-21603-2024) and the petitioner-Mandeep Singh (in CRM-M-17517-2024) are ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

11. The petitioners 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 they are not involved in any other case/crime other than the case(s) mentioned in the main petitions.

12. In addition, the petitioners (or anyone on their behalf) shall prepare an FDR in the sum of Rs.25,000/- each 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 petitioners from Trial without sufficient cause.

13. These petitions stand disposed of.

May 28, 2024
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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