

2024:PHHC:079653



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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-25266-2024 (O&M)
DATE OF DECISION : 06.06.2024**

**MANPREET SINGH @ SURAJ
V/S**

... PETITIONER

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. G.S.Sethi, Advocate for the petitioner.
Mr. Malkit Singh Dhillon, DAG Punjab.
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HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in case FIR No. 223 dated 24.12.2022 under Sections 302, 201 IPC, registered at Police Station Gharinda, District Amritar.
2. Custody certificate dated 03.06.2024 has been filed on behalf of the respondent-State, which is taken on record. As per the custody certificate, the petitioner has undergone 05 months and 23 days of custody.
3. Learned counsel for the petitioner contends that the petitioner is 30 years of age and he has been falsely implicated in a blind-murder case. The petitioner is nominated on the basis of a alleged secret information having been received by the Police and thereafter, co-accused of the petitioner namely, Aman Kumar was got released from the custody on the basis of an application moved by the prosecution under Section 169 Cr.P.C. It is further contended that at the time of alleged occurrence, the petitioner was not in India and was working as a certified Valet Runner with company namely VALTRANS

Transportation Systems & Services, Dubai. The petitioner left job from Dubai in the month of May, 2022 and returned to India in the month of October, 2023. In this regard, reference has also been made to the 6 months' salary slips from the month of November 2022 to August 2023 (Annexure P-6). It is further contended that as per the recovery memo (Annexure P-7), the passport, mobile phone, cash and bag of the petitioner were taken into possession by the investigating officer on 02.12.2023. The passport bearing No.N8463483 belonging to the petitioner is in the custody of the investigating agency. The entry in the said passport could have been verified by the Investigating Officer pertaining to his absence from India on the alleged date of occurrence i.e. 16.12.2022.

4. Learned State counsel, referring to the Status report by way of affidavit of Sukhjinderpal Singh, PPS, Deputy Superintendent of Police, Sub Division Attari, Amritsar (Rural) contends that the petitioner was arrested on the basis of a secret information and he was nominated as an accused vide GD No. 29 dated 20.11.2023 by Inspector Inderjeet Singh, In-charge of CIA staff, Amritsar Rural. It is further contended that during the investigation of the present FIR, it was found that the petitioner and his co-accused were trying to flee to Dubai and they were detained at the Airport while they were trying to take a flight to Dubai on 02.12.2023. After the arrest of the petitioner, he suffered a disclosure statement dated 07.12.2023 before the Investigating Officer and on completion of the investigation, their role has been found as suspect persons, as such challan under Section 173 Cr.P.C. has been presented.

5. I have considered the aforesaid contentions and perused the status report dated 04.06.2024.

6. Initially, a missing report was lodged by the father of the deceased submitting that on 16.12.2022, his son had gone out of the house on his motor-cycle in the evening and thereafter, his phone was found switched off. He searched for his son but could not find him. However, the dead body of his son was found buried near Village Bharowal Army Defence Drain and his head was visible. When he received the said information, he along with his brother and the Sarpanch of the village went to the spot and identified the dead body and reported the matter to the Police. As per the paper-book, after the registration of the FIR, post-mortem examination of the deceased was conducted and the body was handed over to the parents. Initially, no clue was found and thereafter, the investigation was transferred to CIA staff, as per the order of Inspector General of Police, Border Range, Amritsar. During the investigation, on the basis of the secret information Rajnish Kumar @ Preet was nominated and he was formally arrested as he was in custody in another FIR No. 186/2019 under Section 302 IPC, Police Station City-1, Malerkotla. It is further the case of investigating agency that again secret information was received and the present petitioner-Manpreet Singh and his co-accused Aman Kumar and Rahul Singh were nominated as per GD No. 29 dated 20.11.2023. The petitioner has been arrested on 02.12.2023 and as per the status report, he is alleged to have suffered a disclosure statement dated 07.12.2023.

7. It is further alleged in the status report filed in the present petition that during the investigation, the petitioner was again questioned on 08.12.2023 in order to conduct raid at the hideouts of the other accused, however, petitioner-Manpreet Singh retracted from the earlier disclosure statement. It has been noticed that there is no reference about the aforesaid

disclosure statement of the petitioner dated 07.12.2023 in the final report presented against the petitioner under Section 173 Cr.P.C. (Annexure P-3). However, the said disclosure statement is also not part of the documents appended with the said report, as per page No. 40 of the paper-book. Even otherwise the validity of the disclosure statement made by the accused is a matter of trial under Section 25 & 27 of the Indian Evidence Act.

8. The petitioner is in custody since 02.12.2023. As per the custody certificate, there is no other history of any other case against the petitioner. The circumstantial evidence alleged to have been collected during the investigation is a matter of trial. The conclusion of trial is going to take time.

9. In view of the aforesaid circumstances, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned, subject to the condition that the petitioner shall not leave India without prior permission of the trial Court.

10. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

11. Pending miscellaneous application(s), if any, shall stand disposed of.

06.06.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No