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

**CRM-M-27944-2023 (O&M)
Date of Decision: 03.09.2024**

Jasbir Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rishab Bhandari, Advocate,
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

Mr. P.B.S. Goraya, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case bearing FIR No.59 dated 01.04.2022, under Sections 302/34 of the IPC and Sections 182, 201 & 120-B IPC added later on vide Rapat No.35, registered at Police Station City Tarn Taran, District Tarn Taran.

2. Learned counsel for the petitioner submitted that the petitioner is in custody for 2 years and 5 months and the charges in the present case were framed on 31.08.2022, which is 2 years ago and the prosecution witnesses are deliberately not deposing before the Court despite the fact that repeatedly summons have been issued to them. He further submitted that now the trial of the case is progressing but it is a case of blind murder and is based upon circumstantial evidence and so far as the present petitioner is concerned, he had

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no concern at all with the murder of the deceased, namely, Sarabjit Kaur, who was his wife and considering the aforesaid facts and circumstances especially the long custody of the petitioner, he may be considered for grant of regular bail.

3. On the other hand, Mr. Rajiv Verma, learned DAG, Punjab as well as Mr. P.B.S. Goraya, learned counsel for the complainant have submitted that although it is a case where name of the petitioner was not mentioned in the FIR because as per the prosecution, the petitioner himself lodged the present FIR in order to cover his own misdeed and the offence is committed by him. Both the learned counsels submitted that rather the statement of the complainant and the eye-witness, who is the minor son of the petitioner has been recorded and when the minor son deposed before the Court, he had rather stated in clear terms that the petitioner had killed his mother.

4. I have heard the learned counsels for the parties.

5. It is a case where although the custody of the petitioner is 2 years and 5 months but considering the aforesaid gravity and seriousness of the offence, whereby as per the learned counsel for the respondents, the minor son has deposed against his own father by stating that the petitioner, who is his father, had killed his mother, this Court therefore does not deem it fit and proper to grant regular bail to the petitioner.

6. Consequently, finding no merit in the present petition, the same is hereby dismissed.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.



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8. Since the present petition has been dismissed, all the pending applications, if any, shall also stand disposed of.

03.09.2024

Bhumika

**(JASGURPREET SINGH PURI)
JUDGE**

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|------------------------------|--------|
| 1. Whether speaking/reasoned | Yes/No |
| 2. Whether reportable: | Yes/No |