

214+226 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of decision: 29.01.2024

(i) CRM-M-34118-2022

Lachhman Chand alias Lachaman Chand ...Petitioner

vs.

State of Punjab ...Respondent

(ii) CRM-M-62349-2023

Gurdeep Singh alias Gaggi ...Petitioner

vs.

State of Punjab ...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Gursevak Singh, Advocate
for the petitioner in CRM-M-34118-2022.

Mr. Parminder Singh Sekhon, Advocate
for the petitioner in CRM-M-62349-2023.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J.

1. In compliance of order dated 18.12.2023, reply (in CRM-M-62349-2023) by way of an affidavit of Deputy Superintendent of Police, Sub-Division Malerkotla, District Malerkotla has been filed on behalf of the respondent-State in Court today and the same is taken on record.

2. This order shall dispose of above-said two petitions i.e. CRM-M-34118-2022, titled as Lachhman Chand @ Lachaman Chand Vs. State of Punjab and CRM-M-62349-2023, titled as Gurdeep Singh alias Gaggi Vs. State

of Punjab, whereby the petitioners have prayed for grant of bail to them in case FIR No. 122 dated 22.12.2021 registered under Sections 346 of IPC, later on, the police of Police Station Sandaur has altered the offence under Section 346 IPC and added the offences under Sections 302, 201, 34, 148, 427 of IPC and Section 207 of Motor Vehicle Act, 1988, at Police Station Sandaur, District Malerkotla.

3. The FIR in the present case was registered on the basis of statement made by Raspinder Singh, who alleged that at about 12.00 p.m. on 20.12.2021, his father Jarnail Singh had gone to his fields for some agricultural work. At about 3/3.30 p.m., Amrik Singh came to their house and asked about his father from his mother and he also went to their fields. He searched for his father, but could not find him. On inquiry from Amrik Singh, the complainant came to know that after handing over Rs. 50,000/- and taking tea with him, Amrik Singh returned home. When the complainant failed to locate the whereabouts of his father, he reported the matter to the police and the FIR was initially registered against unknown persons under Section 346 IPC. Later on, the dead body of Jarnail Singh was found on 25.12.2021 and the offence under Section 302 IPC was added in the present case.

4. Learned counsel for the petitioners contends that the petitioners were not named in the FIR. Later on, it was found that Avtar Singh @ Nikda had allegedly committed the murder of Jarnail Singh, father of the complainant. Learned counsel for the petitioners further contend that the petitioners were arrested in the present case on the basis of the disclosure statement suffered by co-accused, Avtar Singh @ Nikda. Even as per the said disclosure statement, Avtar Singh @ Nikda had killed Jarnail Singh by causing an injury with a *gandasi* on the back side of the head of Jarnail Singh and the petitioners had

allegedly helped Avtar Singh @ Nikda in disposing of the dead body. Learned counsel for the petitioners contends that both the petitioners were arrested in the present case on 26.12.2021 and the prosecution has examined only 02 witnesses, out of total 22 witnesses, so far.

5. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that both the petitioners were actively involved in the commission of crime.

6. I have heard learned counsel for the parties and perused the record.

7. Both the petitioners were arrested in the present case on 26.12.2021 and are in custody for the last more than 2 years and 01 month. Apart from that, it has been alleged that both the petitioners had helped Avtar Singh @ Nikda in shifting and burying the dead body of Jarnail Singh. Apart from that, almost similarly placed co-accused, Achra Singh @ Soni has already been granted the concession of bail by this Court, vide order dated 19.10.2023 in CRM-M-30442-2022.

6. Without commenting on the merits of the case, both the petitions are allowed and the petitioners are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

29.01.2024
hemlata

(N.S.SHEKHAWAT)
JUDGE

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