

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

207

CRM-M-32939-2024
Date of decision: 23.09.2024

Harjaap Singh @ Harjap Singh

... Petitioner

Vs.

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present :- Mr. R.S. Bains, Senior Advocate with
Mr. Amar Jeet, Advocate, for the petitioner.

Mr. Anil Bansal, DAG, Punjab

SUVIR SEHGAL J. (ORAL)

1. Instant first petition has been filed under Section 439 Cr.P.C., seeking grant of regular bail to the petitioner in:-

FIR No.	Dated	Police Station	Section
222	14.10.2018	Tripuri, District Patiala, Punjab	302, 34 of IPC

2. Version of the prosecution is that a complaint was received from Sukhjit Singh, that his younger brother Sukhwinder Singh, who was working as a Driver with Goel M.G. Gas Focal Point, New Nangal, is missing. On 13.10.2018, a dead body was recovered, which was identified by the complainant as that of Sukhwinder Singh and FIR, Annexure P-1, was registered against unknown persons.

3. Mr. Bains, learned senior counsel for the petitioner urges that the prosecution does not possess any incriminating material against the petitioner. He submits that prosecution case is based on the statement of



one Ved Parkash Gupta, who claims that he overheard a conversation between the petitioner and co-accused Shanichar that they had throttled Sukhwinder Singh. He submits that during trial of co-accused, this witness did not support the prosecution case and Shanichar was acquitted by judgment dated 12.03.2024, Annexure P-10. Counsel asserts that the petitioner was working at Oman and although he was in India when the alleged incident had taken place but he left the country on 29.01.2019 and upon coming to know that he was named as an accused, he filed a petition for anticipatory bail before this Court and in deference to the permission given by this Court on 24.11.2023, Annexure P-5, petitioner surrendered before the trial Court. He submits that charge has been framed in August, 2024 and no prosecution witness has been examined.

4. Per contra, learned State counsel, upon instructions, submits that the co-accused, Shanichar alias Chhotu had an affair with the daughter of Sewa Singh and Sukhwinder Singh deceased came to know about the relationship. He submits that this was the motive behind the murder, which was committed with a pre-determined mind. He, however, could not dispute that the co-accused has been acquitted after trial. As per his instructions, out of 18 prosecution witnesses, none has been examined. He has filed the custody certificate of the petitioner and submits that the petitioner is not involved in any other criminal case.

5. Having heard counsel for the parties and considering their submissions, this court is of the view that the petitioner is entitled to the concession of bail. The allegations levelled against the petitioner would remain a subject matter of debate before the trial Court. Petitioner has been in custody for the last more than 8 months and the prosecution has

not examined any witness and there is a remote possibility of early conclusion of the trial.

6. Without adverting to the merits or demerits of the arguments addressed, petition is allowed and the petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

7. It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

23.09.2024

pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No