

CRM-M No.35334 of 2023 (O&M)

280 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.35334 of 2023 (O&M)

Date of Decision: 28.02.2024

Sandeep Singh @ Billa

..... Petitioner

V/s.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ajeet Pal Singh Pakka, Advocate
for the petitioner.

Mr. Siddharth Sandhu, AAG, Punjab.

Harkesh Manuja, J. (Oral)

1. By way of present petition under section 439 Cr.P.C., the petitioner has come up before this Court for grant of regular bail in case FIR No.9 dated 09.02.2021 under Sections 302, 450, 354-B and 34, IPC registered at Police Station Rangar Nangal, Police District Batala, District Gurdaspur with the allegation of commission of murder of Sarabjit Kaur.

2. Reply by way of affidavit of Deputy Superintendent of Police, Sub Division Sri Hargobindpur, Police District Batala, District Gurdaspur filed on behalf of respondent-State, is taken on record and a copy thereof, has been supplied to the learned counsel opposite.

3. Custody certificate dated 27.02.2024 filed in Court today is taken on record.

4. Learned counsel for the petitioner submits that the investigation has already been concluded with the filing of challan, followed by framing of charges and the complainant-eye witness(s) already stands examined. The custody of the petitioner is almost 03 years by now and he is not involved in any other case besides, the trial is likely to take sometime.

5. On the other hand, learned State counsel vehemently opposes the bail while submitting that the present is a case of eyewitness account and the complainant

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eyewitness who appeared as PW1 has duly supported the prosecution version. He also submits that the *Kirch*/knife used in the commission of offence has also been recovered, thus, connecting the petitioner with the alleged offence.

6. I have heard learned counsel for the parties and gone through the record. In the present case, the investigation already stands concluded followed with the filing of challan and framing of charges. The petitioner is in custody for almost 03 years. He is a young boy of about 24 years of age with no past criminal antecedents. The trial is definitely to take sometime as only 04 PWs out of total 26 PWs have been examined so far in pursuance to the order passed by the trial Court on application filed in terms of Section 319 Cr.P.C. Moreover, no threat perception has been expressed by the learned State counsel at the hands of the petitioner to the Prosecution witnesses. In addition, the complainant while appearing as PW1 in cross examination has made the following deposition which being relevant at this stage is reproduced as under:

“I disclosed all the directions of place of occurrence to the investigating Officer. It is correct that on 09.02.2021, the name of the accused were not in the picture and their names were not in the knowledge of IO and prosecution witnesses. Hence the name of the accused, their father names and addresses were not entered in the site plan and column state versus were left blanked. Thereafter police asked us and all the other Pws to disclose the name of persons to whom with their having inimical relations. We were having inimical relations with Baljit Kaur, Sarabjit Kaur etc.”

7. Without commenting upon the merits of the aforesaid deposition as the same needs to be scrutinized at the stage of trial as regards the involvement of the petitioner in the incident in question, the same raises some doubt for which the petitioner needs to be given the benefit at this stage.

8. In view of the observations made hereinabove, the present petition is allowed. The petitioner be released on regular bail subject to furnishing adequate bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned, if not required in any other case.

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

10. Since the main petition has been allowed, all the pending application(s) also stand(s) disposed of.

28th February, 2024

Sonia Puri

(HARKESH MANUJA)
JUDGE

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