

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

223

CRM-M-44956-2023
Date of Decision: 29.01.2024

Jaspreet Singh @ Jassa ...Petitioner
Versus
State of Punjab ... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Monty Goyal, Advocate, for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

Mr. Amandeep Singh, Advocate
for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No. 96 dated 11.09.2022 registered under Sections 302 and 34 of IPC at Police Station Payal, District Ludhiana.
2. Learned counsel for the petitioner contends that the petitioner was not named in the FIR, nor there is any averment in the FIR which connects the petitioner with the commission of the crime in any manner. Learned counsel further contends that there was no motive against the petitioner to commit the crime and even during the course of investigation, the police could not collect any evidence, which could show the complicity of the petitioner in the crime in any manner. Learned counsel further contends that it has been falsely

shown that during the course of investigation, Ramasra, a witness had produced the co-accused Jagdeep Singh, co-accused and Jagdeep Singh, co-accused had allegedly suffered a disclosure statement involving the petitioner also as one of the co-accused. Even, as per the disclosure statement suffered by Jagdeep Singh, the petitioner had allegedly caught the arms of Lakhvir Singh @ Lakhi, since deceased. While referring to the medico legal report (Annexure R-3), learned counsel for the petitioners contends that the cause of death in the present case is brain hemorrhage, which is ante-mortem in nature and sufficient to cause death in ordinary course of nature. Learned counsel further contends that the petitioner was arrested in the present case on 16.09.2022 and is in custody since then. He further contends that in the present case, the prosecution has placed reliance on 16 witnesses, however, no witness has been examined so far.

3. On the other hand, learned State counsel assisted by the learned counsel for the complainant has vehemently opposed the submissions made by the petitioner on the ground that the petitioner had caught hold of the arm of Lakhvir Singh @ Lakhi, since deceased, and does not deserve the concession of bail.

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

5. The petitioner was arrested in the present case on 16.09.2022 and is in custody for the last about 01 year and 04 months.

However, the prosecution has not been able to examine even a single witness in the present case so far. Apart from that, except the disclosure statement suffered by the co-accused, apparently, there is no other evidence to connect the petitioner with the crime.

6. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

29.01.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

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