

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCRM-M-47938 of 2023 (O&M)
Date of Decision: 02.04.2024

Lachhman Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Sanyam Bhardwaj, Advocate
For the petitioner.

Mr. J.S. Dhaliwal, DAG Punjab.

KARAMJIT SINGH, J.

1. The present second petition has been filed by the petitioner seeking grant of regular bail in criminal case having FIR No. 10 dated 27.01.2019, registered under Sections 302, 120-B and 109 IPC at Police Station Cheema, the first one bearing CRM-M-10838 of 2020 was withdrawn on 11.12.2020.

2. As per the allegations appearing in the FIR deceased Naib Singh was having illicit relations with wife of co-accused Harjinder Singh and said co-accused hired petitioner Lachman Singh to kill Naib Singh and in this manner Naib Singh was killed by the present petitioner. The FIR in this case was registered against unknown persons on the basis of statement of complainant who is real brother of deceased. The petitioner was nominated as accused on the basis of extra judicial confession suffered by co-accused Harjinder Singh before PW1 Amrik Singh and thereafter petitioner was arrested and recovery of sharp edged weapon was effected at his instance.

3. The counsel for the petitioner submits that the petitioner was not named in the FIR which was registered against unknown persons and that later on petitioner was nominated as accused on the basis of alleged extra judicial confession suffered by co-accused Harjinder Singh whose wife is stated to have extra marital relations with deceased Naib Singh. It is further submitted that the entire case is based on circumstantial evidence and complainant and Amrik Singh stand examined. It is also brought to the notice of Court that co-accused Harjinder Singh is already enlarged on bail. The counsel for the petitioner further submits that the petitioner is in custody for the last more than 04 years and 10 months and it will take time for the trial to conclude and no purpose is being served by keeping the petitioner in custody for any longer period.

4. The present petition is resisted by the State counsel, who on instructions from ASI Jasbir Singh submits that it was the petitioner who actually killed Naib Singh as per the plan made by co-accused Harjinder Singh and that weapon used in commission of crime was recovered at the instance of the petitioner. However, the State counsel has not disputed the fact that the petitioner is in custody for last more than 04 years and 10 months and it will take time for the trial to conclude and that main witnesses are already examined and that the petitioner was nominated as accused on the basis of extra judicial confession made by co-accused Harjinder Singh before PW1 Amrik Singh.

5. I have considered the submissions made by counsel for the parties.

6. FIR in this case was registered against unknown persons and thereafter co-accused Harjinder Singh was arrested who suffered extra

judicial confession before PW1 Amrik Singh and the entire case is based on circumstantial evidence. The evidentiary value of said extra judicial confession will be tested during trial. Aforesaid Amrik Singh and complainant are examined during trial but it will take time for the trial to terminate. In case the petitioner is released on bail at this stage, there is no apprehension that he will influence the material witnesses. Further, as has been admitted by State counsel co-accused Harjinder Singh is already granted concession of bail. Admittedly, petitioner is in custody for the last more than 04 years and 10 months. In the given circumstances, no fruitful purpose is going to be served by keeping the petitioner in custody for any longer period.

7. In light of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

02.04.2024

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**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No