

In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-51620-2022 (O&M)
Date of Decision:- 28.02.2024

Rachhpal Singh @ Shera ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. J.S.Dadwal, Advocate, for the petitioner.

Mr. Gauravdeep Singh Dhaliwal, AAG, Punjab,
assisted by ASI Rakesh Kumar.

FIR NO.	DATE	POLICE STATION	OFFENCES
0017	02.03.2021	Sadar Jagraon, District Ludhiana Rural	302, 397, 34 IPC (Sections 328, 120-B IPC added later on)

GURVINDER SINGH GILL, J. (Oral)

1. The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
2. The FIR was lodged at the instance of Pardeep Singh (son of deceased-Inderjit Singh @ Premi) wherein it is alleged that his father was working as a driver for M/s Hind Raj Iron Scrap Firm, Moga.

However, his father did not return back home on 01.03.2021 and upon

inquiries from Ajay Taneja owner of Hind Raj Iron Scrap Firm, he informed that even he had been trying to contact complainant's father and had come to know from Balwinder Singh that Inderjit Singh and one Harpal Singh @ Bhalla who had previously been working as a driver, had been consuming liquor in their vehicle near a liquor vend at Mullanpur. The complainant, upon receipt of said information, proceeded to Mullanpur and found the truck in question parked by the side of the road. Complainant's father was found lying dead in the cabin of the truck. His dead body was bearing injury marks on the neck and on other parts of the body. Chilly powder was also seen scattered near the dead body. The complainant alleged that Ajay Taneja had informed that complainant's father Inderjit Singh was carrying an amount of Rs.9 lakhs which was now missing. The complainant suspected that his father had been done to death by Harpal Singh @ Bhalla in connivance with his other companions.

3. Learned counsel for the petitioner submits that he is nowhere named in the FIR and has been later nominated as an accused on the basis of a supplementary statement of the complainant though, there is no convincing evidence to connect him with the alleged occurrence. It has further been submitted that in any case, despite a period of 3 years having elapsed, since arrest of the petitioner, the trial has not even commenced till date and under these circumstances the petitioner deserves to be released on bail.
4. Opposing the petition, learned State counsel submitted that since it is a case where the main accused who is named in the FIR i.e. Harpal

Singh had also suffered a disclosure statement nominating the petitioner as his associate, the complicity of the petitioner is clearly evident. Learned State counsel has informed that the petitioner as on date has been behind bars since the last 2 years, 11 months and 14 days and that although charges were framed on 16.8.2021, but none out of the cited 30 PWs has been examined till date. It has also been informed that apart from the present case the petitioner stands involved in one more case for offence punishable under the Excise Act.

5. This Court has considered the rival submissions addressed before this Court.
6. It is not in dispute that there is no eye-witness account to the occurrence. The petitioner is not even named in the FIR and came to be nominated subsequently. The trial has not even commenced till date despite a period of 3 years having elapsed. Under these circumstances, it goes without saying that conclusion of trial is likely to consume time. Further detention of the petitioner will not be justified. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

28.02.2024
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No