

219 **IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-49930-2023
Decided on:-24.01.2024

Satvinder Singh @ SattaPetitioner..
vs.

State of PunjabRespondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Prateek Pandit, Advocate for the petitioner.

Mr. G.S. Dhillon, AAG, Punjab.

HARKESH MANUJA J. (Oral)

1. By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail pending trial, in case bearing FIR No.119, dated 15.09.2022, registered under Sections 302 and 404 IPC, at Police Station Bhogpur, District Jalandhar (Rural).

2. In the present case, petitioner has been implicated on account of alleged murder of Amarjit Kaur (mother of the complainant).

3. Learned counsel for the petitioner draws attention of this Court to the deposition of PW-5 Parminder Singh, Sarpanch, who in his cross-examination stated that the rope used in the incident was taken into possession by the police from the house of the deceased whereas in the final report under Section 173 Cr.P.C. (at page 11 of the paper book) it finds mentioned that the rope used in the incident was taken away by the petitioner-accused, thus, recovery of the rope, which was used in the incident is debatable.

4. On the other hand, prayer made herein has been opposed at the

instance of learned State counsel while submitting that the offence was committed by the petitioner and there was incriminating material against him in the shape of recovery of earrings of the deceased as well as the rope used in the incident, besides Aadhaar Card.

5. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

6. Present is a case of circumstantial evidence as there is no eye-witness to the incident in question. The investigation in the present case already stands concluded with the filing of challan, followed by framing of charges and so far only 05 witnesses have been examined out of the total of 19 witnesses cited by the prosecution. The petitioner is behind the bars for the past 01 year, 04 months & 04 days, besides it no other criminal case is pending against him. Moreover, the recovery of material to connect the petitioner in the shape of rope used in the alleged incident being debatable. I do not find any reason to extend the incarceration of the petitioner any further.

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

8. It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

24.01.2024
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(HARKESH MANUJA)
JUDGE

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