



CRM-M-49001-2024

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

CRM-M-49001-2024

Date of Decision: 29.10.2024

Rajbir Singh alias Raju

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Bikramjit Singh Randhawa, Advocate for

Mr.S.S. Gill, Advocate, for the petitioner.

Mr. J.S.Arora, DAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting him regular bail in case FIR No.19 dated 25.01.2021 under Sections 302, 34 IPC registered at Police Station Majitha, District Amritsar Rural.

2. As per facts of the case, complaint was lodged by complainant Sukhchain Singh. It was alleged that that his brother Jobanpreet Singh was about 31 years of age and he was doing the business of finance for which used to collect loan installments. On 25.01.2021 at about 10:30 a.m. his brother Jobanpreet Singh left alongwith his friend Shamsheer Singh @ Shera to collect the installments. At about 04:30 p.m., the complainant and his brother Gurkirtan Singh were present at Subzi Mandi, Majitha where they saw his brother Jobanpreet talking with Roshan Singh. Thereafter, his brother Jobanpreet Singh went with Roshan Singh on his scooty. Subsequently, the complainant received a message that Roshan Singh was fighting with his brother Jobanpreet Singh in his house. He went there and saw that his brother Jobanpreet Singh was lying down and Aman and Manga had tied the parna around his neck. Roshan Singh was giving Datar blows on the head and face of his brother. On raising the alarm, all the accused fled



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away from the spot. Due to the injuries his brother Jobanpreet Singh died. Request was made to take legal action against the culprits. On the basis of the complaint, the FIR was registered and the investigation commenced. Postmortem of the dead body was conducted. During the investigation, accused Roshan Singh suffered confessional statement in which he confessed that he alongwith his friend Rajbir Singh @ Raju (petitioner) and other co-accused, committed murder of Jobanpreet Singh and Shamsher Singh. The petitioner was arrested on 27.01.2021. On completion of the investigation, challan was presented and the trial commenced. The petitioner approached the Court of learned Additional Sessions Judge, Amritsar, praying for grant of regular bail, however, on hearing both the sides, learned Court declined the same vide order dated 31.10.2023. Hence, the petitioner is before this Court by way of filing the present petition praying for grant of regular bail.

3. It has been vehemently contended by counsel for the petitioner that petitioner has been falsely and frivolously implicated in this case. He has submitted that though it was a blind murder, however, the complainant has been projected as eye witness of the occurrence. He submits that neither the petitioner has been named in the FIR nor he was present on the day of alleged occurrence. He submits that there is no direct or indirect evidence to connect the petitioner with the alleged occurrence. He further submits that the main accused Roshan Singh against whom the allegations of giving datar blows are there, has already died. It is submitted that the petitioner is behind bars since the date of his arrest i.e. more than three years and till date the prosecution had not been able to examine even half of the witnesses. He



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submits that the petitioner has no criminal antecedents and thus, in the facts and circumstances, he deserves to be granted bail.

4. Learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that during the investigation, accused Roshan Singh suffered confessional statement in which he confessed that he alongwith his friend Rajbir Singh @ Raju (petitioner) and other co-accused, committed murder of Jobanpreet Singh and Shamsheer Singh. It is submitted that out of total 23 prosecution witnesses, 03 witnesses, have been examined till date. He submits that as per instructions received by him, the petitioner is not involved in any other case.

5. Heard.

6. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner was arrested in this case on 27.01.2021 and since then he is behind bars. Name of the petitioner has been disclosed in the disclosure statement of accused Roshan Singh, who is no more. There is nothing on record to show that the petitioner is involved in any other case. Out of total 23 prosecution witnesses, 03 witnesses have been examined.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

8. Accordingly, the present petition is allowed and the petitioner is

ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

29.10.2024		(RAJESH BHARDWAJ)
sharmila		JUDGE
	Whether Speaking/Reasoned :	Yes/No
	Whether Reportable :	Yes/No