

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

CRM-M-55026-2023
Date of Decision: 29.01.2024

VS.

...Respondent

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

3. The brief facts of the prosecution case are that the present FIR was registered on the complaint of Gurcharan Singh on the allegation that his nephew, Jaspal Singh, had been apprehended from Gurudwara Sahib Rati Rori on 18.05.2019 by Inspector Narender Singh, In charge, CIA Staff. Said Jaspal Singh was illegally detained in lock up, where he committed suicide and left behind a suicide note written with his finger on the wall of the cell. Though the

suicide note is alleged to have been washed and the body disposed of by Inspector Narender Singh and MHC Darshan Singh in Rajasthan Feeder Canal, but a picture of the suicide note has been recovered from the mobile of HC Sukhmander Singh. Inspector Narender Singh had also died due to accidental gun shot injury. As per the allegations of the complainant, Ranbir Singh, present petitioner was suspecting a relationship between deceased Jaspal Singh and his daughter Simmu. Said Ranbir Singh, present petitioner allegedly hatched a conspiracy with co-accused-Roshan Singh to get deceased Jaspal Singh implicated in a false criminal case and in case the plan did not succeed, then the co-accused-Roshan Singh was to kill him.

4. Learned counsel for the petitioner contends that the petitioner was not named initially in the FIR and was arrayed as an accused on the strength of the disclosure statement suffered by Jaswant Singh @ Bitta, co-accused. He further contends that Jawant Singh @ Bitta has already been granted the concession of bail by this Court. As per learned counsel, similarly placed co-accused Roshan has also been granted the concession of bail by this Court. Learned counsel submits that the petitioner was arrested in the present case on 11.06.2019 and is in custody since then. The prosecution has been able to examine only 15 witnesses, out of total 37 witnesses, so far. Thus, the custody of the petitioner will not serve any meaningful purpose. Learned counsel for the petitioner has relied upon the judgments passed by the Hon'ble Supreme Court in the matter of **“Ranjan Dwivedi Vs. CBI, through the Director General, 2012(8) SCC 495; 2012 (4) RCR (Criminal) 880”** and **Gudikanti Narasimhulu and others v. Public Prosecutor, AIR 1978 SC 429.**

5. On the other hand, learned State counsel has vehemently opposed

the submissions made by learned counsel for the petitioner on the ground that 07 other cases have also been registered against him and out of those cases, the petitioner has been convicted in six cases.

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

7. In the present case, the petitioner was arrested on 11.06.2019 and the prosecution has been able to examine only 15 witnesses, out of total 37 witnesses. Apart from that, the petitioner was nominated as an accused on the basis of the disclosure statement suffered by Jaswant Singh @ Bitta, who has already been granted the concession of regular bail by this Court. Another similarly placed co-accused Roshan Singh @ Har Roshan Nath has also been ordered to be released on bail by this Court, vide order dated 12.05.2023 in CRM-M-37891-2022. Thus , no purpose would be served by keeping the petitioner behind bars.

8. 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 bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) *The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) *The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) *The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) *The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*

- (v) *The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) *In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move a petition for cancellation of bail granted to him.*
- (vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bail bonds and surety bonds of the petitioner.*
- (viii) *The petitioner shall report every 1st Monday of English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the rojnamcha. In case, he does not report on every 1st Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.*

29.01.2024
hemlata

(N.S.SHEKHAWAT)
JUDGE

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