

CRM-M-54957-2023

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(245)
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-54957-2023
Date of Decision: 06.02.2024

HARPREET SINGH ALIAS KALU

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. N.K. Manchanda, Advocate
for the petitioner.

Ms. Ramta K Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.51 dated 25.03.2019 (Annexure P-1) registered under Sections 304, 148, 149 IPC (Sections 302, 201 IPC added later on) at Police Station City South Moga, District Moga.

2. The brief facts of the case are that the statement of Gurmeet Kaur wife of S. Nardev Singh was recorded to the effect that she had three children. Her son had come back from Dubai on 22.03.2019 and was missing from the Mohalla. His body was found on 23.03.2019 on a pile of garbage near the Mohalla. She believed that her son had been murdered by Jeeti Bua, Kaalu (petitioner), Manpreet Singh @ Mani (granted bail vide order dated 29.05.2023 passed in CRM-M-26340-2023), Arshi, Shinder and unknown persons. The motive for the occurrence was that these accused had come to their (complainant party's) house and had beaten the deceased. Action was

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sought against the accused and SHO, Palwinder Singh who was conniving with the accused.

3. The learned counsel for the petitioner contends that the name of the accused was disclosed three days after the occurrence. The petitioner was named on the basis of an extra-judicial confession allegedly made to one Nirmal Singh, wherein it was stated that the petitioner along with the other accused had approached him (Nirmal Singh) and had admitted that they had committed the offence in question. He contends that the statement of the alleged eye-witness Harjinder Singh cannot be believed as there was no such person by that name in the Mohalla. As the four co-accused of the petitioner namely, Daler Singh, Arshdeep Singh @ Arsh @ Doctor, Chhinder Pal Singh @ Chhinder @ Jain and Manpreet Singh @ Mani had been granted the concession of bail by this Court vide orders 06.01.2022, 06.01.2022, 06.01.2022 and 29.05.2023 (Annexures P-9 to P-12), the petitioner was entitled to the similar concession as he was in custody since 02.05.2020 and only 07 out of the 26 prosecution witnesses had been examined so far.

4. On the other hand, the learned State counsel contends that the petitioner is one of the main accused and did not deserve the concession of bail. She, however, does not dispute the fact that the similarly situated co-accused of the petitioner have been granted the concession of bail.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of Trial. Admittedly, the petitioner is in custody since 02.05.2020 and only 07 out of the 26 prosecution witnesses have been examined so far. Therefore, the trial

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of the present case is not likely to be concluded anytime soon. Hence, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Harpreet Singh alias Kalu son of Harmesh Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.25,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

06.02.2024

JITESH

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