

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-57287-2023

Date of Decision:-25.01.2024

Veer Singh @ Veeru @ Beer Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Parminder Singh, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, Assistant Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this second petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.17 dated 02.04.2022 under Sections 302, 34 IPC registered at Police Station Bakshi Wala, Patiala, District Patiala.

2. The present FIR came to be registered at the instance of Babli Devi wife of Sh. Vijay Kumar which reads as under:-

“ At this time Statement of Babli Devi wife of Vijay Kumar Resident of H.no. 18 Green Lehal Colony, Police Station Civil Lines Patiala Age about 35 Year Mobile No. 78141- 85088 written by INSP Anwar Aii 458/PR Police Station Bakshiwala District Patiala for registration of case against unknown person/persons received in the police Station through CT Arvinder Pal Singh 1902/PTL. The contents of which are as under. Stated that I am resident of above

said address. I do the work of Baby Care Taker in my Mohalla. I have three children; two daughters and one son. My husband Vijay Kumar Age about 40 years has Motor Cycle Rehri. On which he does the work regarding rent and now from the last one week ago he started doing the work of selling Lime water and cold drink on Rehri in front of Classic marriage Palace Nabha Road Patiala. On 01.04.2022, as per daily routine at about 09. AM, he came from the house by taking his Rehri of Lime Water and Cold Drink in front of Punjab Class Marriage Palace Nabha Road. That he returns to house approximately at 10 PM. But he did not return by taking his Rehri. Then I told about this to my brother in law Ravinder Kumar @ Ravi, who then inquired about my husband Vijay Kumar by visiting in front of Punjab Classic Marriage Palace, Nabha Road Where the Rehri of my husband was parked. But my husband Vijay Kumar was not there. That he returned by taking his Rehri back to home. That today on 02.04.2022 alongwith my brother in law Ravinder Kumar @ Ravi came in front to Punjab Classic Marriage Palace in search my husband Vijay Kumar. Where we searched my husband Vijay Kumar in the bushes backside of Rehri. Then on the 20ft distance from the main road in the jurisdiction of Village Chotti Rauni Khatana, dead body of my husband Vijay Kumar was lying. In who chest many injuries were given with some sharp thing. It seems that due to these injuries my husband had died It seems that my husband Vijay Kumar has been killed during night of 01-2/04/2022 by some unknown person/persons by giving injuries. Today you met in front of Punjab Classic Marriage Palace Nabha Road Patiala. Statement has been recorded to you, heard and found correct. That by taking appropriate legal action justice be done to me, sd/- Babl: Devi Verified statement sd/- Ravinder Kumar Attested SD Anwar Ali

Head officer, Police Station Bakshiwala Patiala Dated 02.04.2022."

3. During the course of investigation the supplementary statement of the complainant was recorded to the effect that the offence had been committed by Veer Singh @ Veeru @ Beer Singh (petitioner). Pursuant to the arrest of Beer Singh he disclosed that he had committed the offence along with one Amrit.

4. The learned counsel for the petitioner contends that the complainant, her brother in law Ravinder Kumar @ Ravi and another witness namely Bhupinder Singh have not supported the prosecution case and have turned hostile. As the petitioner was in custody since 04.04.2022, only 07 of the 25 prosecution witnesses had been examined so far and he had clean antecedents, he was entitled to the concession of bail.

5. The Counsel for the State on the other hand has filed Status report dated 25.01.2024 by way of affidavit of Mr. Jaswinder Singh Tiwana, DSP, City-II, District Patiala in court today, which is taken on record. While referring to the said status report, he contends that as per the prosecution case the petitioner along with his co-accused committed the murder of the deceased as he was involved in illicit relationship with the complainant. Therefore, the petitioner was not entitled to the concession of bail. He however concedes that all the material witnesses have turned hostile, that only 07 of the 25 of the prosecution witnesses have been examined and that the petitioner was a first time offender.

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

7. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial.

Admittedly, the petitioner is in custody since 04.04.2022 and only 07 out of

the 25 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Veer Singh @ Veeru @ Beer Singh** son of Sh. Gurmail 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.
9. The petition stands disposed of.

(JASJIT SINGH BEDI)

JUDGE

January 25, 2024

Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>