

2024:PHHC:152546



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

294

CRM-M-58410-2023 (O&M)
Date of decision: 20.11.2024

Akashdeep Singh @ Vicky**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Gobind Singh Randhawa, Advocate
for the petitioner.

Mr. Amandeep Singh, DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed by the petitioner under Section 439 of the Code of Criminal Procedure, is for grant of regular bail in case arising out of FIR No. 173 dated 01.10.2022, registered under Sections 302, 34, 120-B of IPC and Sections 25 and 27 of the Arms Act, 1959 at Police Station Gharinda, Amritsar, District Amritsar (Rural).

2. As per prosecution case, on 30.09.2022 at about 07:00 PM, the victim Gurpreet Singh son of complainant Sakattar Singh, left his home after informing the complainant that he was going to Amritsar along with his friend Akashdeep Singh to celebrate as their friend Akash had been released on bail. The victim took his car bearing registration number PB-02-CU-5821 with him. He did not return home till late night. The complainant kept on making calls on his phone but no response was received. In the morning of 01.10.2022, he came to know about the dead body of the victim lying near Railway gate at Ghumanpura. He reached at the spot and found his son to be

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lying dead on the driver seat of his car. He was shot at by someone and had sustained bullet injuries. On his statement, a case under Section 302 read with Section 34 of IPC and Sections 25, 27 of the Arms Act was registered. Investigation proceedings were initiated. Inquest proceedings and post-mortem examination of the dead body of the victim were conducted. On the same day, the complainant again recorded his statement to the effect that the present petitioner and his friend Manpreet Singh @ Manu had come to his house and confessed that on 30.09.2022, Manpreet Singh @ Manu had asked him to help him in killing the victim with whom, he was having rivalry and otherwise had threatened to kill him (petitioner). He also confessed that he had told Manpreet Singh @ Manu that he was taking victim to Amritsar and asked him to remain present at Railway gate at Ghumanpura and further disclosed that when they had gone to Amritsar and while returning, he along with Manpreet Singh @ Manu had committed the murder of the victim and then fled away from the spot. On the basis of this statement, the petitioner and Manpreet Singh @ Manu were nominated as accused. The petitioner was arrested on 02.10.2022. On interrogation, he suffered disclosure statement admitting his involvement in the murder of the victim. Co-accused Manpreet Singh @ Manu was also arrested. Offence under Section 201 of IPC was added. Investigation has since been completed and the petitioner along with the co-accused is facing trial for commission of aforementioned offences. He had moved an application before the learned trial Court for grant of regular bail but the same had been dismissed, vide order dated 26.05.2023.

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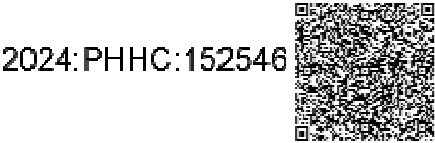


3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is no eye-witness to the murder of the victim. He had never made any extra judicial confession before the complainant. The disclosure statements of the co-accused and himself are not admissible in evidence, the same being suffered in the police custody. There is no independent witness to the alleged extra judicial confession of the petitioner. He was not the assailant. He is in custody since 02.12.2022. The trial is likely to take time. His further detention would not serve any useful purpose. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned State counsel has argued that there are specific and serious allegations against the petitioner. The complainant is not only the witness to the extra judicial confession made by the petitioner but is also witness of 'last seen'. The victim had accompanied the petitioner before he had gone missing and later on found to be murdered. The complainant is yet to be examined before the learned trial Court. There are chances of the petitioner's absconding or intimidating the material witnesses, if released on bail. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record.

6. The petitioner in conspiracy with co-accused Manpreet Singh @Manu is alleged to have taken the victim from his house on the night of 30.09.2022 and is further alleged to have committed his murder with the help of co-accused. He is further alleged to have suffered an extra judicial



confession before the complainant on 01.10.2022. The complainant is yet to be examined. The allegations against the petitioner are grave in nature. Keeping in view the gravity of offences alleged to have been committed by the petitioner, the fact that the complainant has not been examined so far, the quantum of sentence which the conviction may entail and the attendant facts and circumstances, this Court is of the considered view that the petitioner does not deserve to be given concession of regular bail, at this stage. Hence, the petition stands dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

20.11.2024

Waseem Ansari

(MANISHA BATRA)

JUDGE

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