



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

CRM-M No.54898 of 2024

Date of decision: 11th November, 2024

Sukhveer Singh @ Goli

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. S.K. Yadav, Advocate for the petitioner.

Mr. Mohit Kapoor, Addl. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 BNSS in case FIR No.22 dated 06.03.2022 under Sections 346 of the IPC (Sections 302, 364, 34, 473, 201 IPC added later on) registered at Police Station Ghanaur, District Patiala.

2. Learned counsel for the petitioner submits that the petitioner's false implication in the present case, which hinges on circumstantial evidence, is evident from the fact that he had no motive to commit murder of the deceased Gurjant Singh; the motive to commit murder of the deceased had been attributed to co-accused Sukhwinder Singh alias Sukha, who has since been declared a proclaimed offender. Learned counsel further submits that even though the petitioner has now been in custody for more than 2 years, having been arrested on 29.07.2022, trial has not been able to make any headway, as none of the

19 prosecution witnesses have been examined yet. Learned counsel for the petitioner has also submitted that identically placed co-accused Sukhchain Singh @ Sima has since been enlarged on bail by this Court vide order dated 24.09.2024 (Annexure P-5), and hence, he also deserves to be extended the similar concession.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed that the case at hand is based on circumstantial evidence; however, learned State counsel has submitted that the petitioner along with the co-accused had accompanied the main accused Sukhwinder Singh @ Sukha and on account of a history of strained relations between the deceased and Sukhwinder Singh @ Sukha, the deceased had been inflicted a number of injuries before being thrown into a canal. It has also been submitted by the learned State counsel that the motorcycle of the deceased had been recovered from the petitioner, which clearly pointed to his participation in the crime in question.

4. Learned counsel for the petitioner, on the other hand, has vehemently controverted the instructions received by the learned State counsel and has drawn the attention of this Court to copy of the challan, which has been annexed as Annexure P-3, wherein it stands mentioned that the motorcycle of the deceased was recovered from the canal with the engine and chassis number tampered.

5. Learned State counsel has also submitted that the prime accused Sukhwinder Singh alias Sukha has since been declared as a proclaimed offender, as a result of which the trial has not been able to make much headway and none of the 19 prosecution witnesses have been examined till date.

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

7. The petitioner has now been in custody since 29.07.2022. He is not stated to be involved in any other criminal case. The instant case hinges on circumstantial evidence and the “motive to commit the crime in question” which plays a prominent role in such like cases, has admittedly not been attributed to the petitioner but to his co-accused Sukhwinder Singh alias Sukha, who is a proclaimed offender. The trial would take a considerable time to conclude as none of the 19 prosecution witnesses have been examined so far. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

November 11, 2024
rps

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