



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

220

CRM-M-57349-2024

Date of decision: 22.11.2024

Jagtar Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Harmanpreet Singh, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (third) petition is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.33 dated 09.02.2022 under Sections 302, 364, 34, 201 of the IPC, 1860 registered at Police Station Chheharta, District Police Commissionerate Amritsar.

2. Learned counsel for the petitioner submits that the case at hand rests on circumstantial evidence; the father of the complainant went missing and when the complainant entered the house of co-accused Arjan Singh, he noticed the dead body of his deceased father lying partially buried in a vacant plot, adjacent to co-accused Arjan Singh's house. Learned counsel has argued that no suspicion was raised, much less by way of a whisper, qua the involvement of the petitioner in the murder of his father by the complainant nor is it the case of the prosecution that the petitioner was present at the spot or



CRM-M-57349-2024

anywhere in the vicinity of the place where the dead body of the deceased had been buried. It has been submitted by the learned counsel that after co-accused Arjan Singh was arrested, he allegedly suffered a disclosure statement to the effect that he had taken the help of the petitioner and co-accused Raju in burying the dead body at the vacant spot. It has been further argued by learned counsel that neither was there any witness of last seen qua the burial of the dead body by the petitioner and the co-accused nor is it the case of the prosecution that the petitioner had inflicted any injury, much less fatal, on the person of the deceased. It has also been asserted by the learned counsel that the disclosure statement on the basis of which the petitioner has been arraigned as an accused in the present case holds very little evidentiary value. Furthermore, after the petitioner was arrested on 09.02.2022, only 01 prosecution witness out of the 16 cited, had been examined, hence, there was no likelihood of the trial concluding in the near future.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Balraj Singh, has not disputed the factual aspect of the role attributed against the petitioner. It has also not been disputed that no suspicion was raised qua the involvement of the petitioner in the crime in question at the time of lodging of the FIR nor has he been attributed any injury on the person of the deceased.

4. On a pointed query, learned State counsel has submitted that all the injuries were allegedly inflicted upon the deceased by co-accused Arjan Singh with bricks. Learned state counsel, on further



CRM-M-57349-2024

instructions, has not disputed the custody period of the petitioner as well as the stage of trial.

5. On a further query put to the learned State counsel as to whether the petitioner has any previous criminal antecedents, he, on instructions has replied in the negative.

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

7. Before proceeding further, it would be apposite to reproduce the allegations levelled in the FIR which stands reproduced hereinunder:-

“Statement of Amrik Singh S/o Jagir Singh R/o H. No. 476, Jagdish Niwas, Nimla Colony, Chehharta, Amritsar age about 44 years mobile no.75085-65526 stated that I am resident of above address and works as auto driver. That we are 4 brothers and I am the eldest. Our mother died 20 years ago and my father Jagir Singh age about 75/76 years who works as dealer of waste material on a reri. Yesterday on 08-02-2022 | in the morning at about 9 he went from home as per daily routine but till today he has not come back home. My father has much money as the sale proceeds of the waste material. I am having apprehension that someone has kidnapped my father with the intention of killing him due to the money because till date my father has not been out of house for this much time. It is requested that appropriate legal action be taken. SD/- Amrik Singh date 09-02-2022 verified by Sarabjit Singh SHO Chehharta ASR date 09-02-2022.”

8. Evidently, it is a case resting in circumstantial evidence; the motive to commit the murder has not been attributed to the petitioner but to co-accused Arjan Singh from whose house/property the dead body of the deceased was exhumed. The petitioner is alleged to have assisted co-accused Arjan Singh in burying the dead body. In



CRM-M-57349-2024

the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

9. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

22.11.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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