



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

CRM-M No.62484 of 2023

Date of decision: 13th May, 2024

Jaideep Singh @ Laddi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Arshdeep S. Brar, Advocate for the petitioner.

Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.

Mr. Anoop Singla, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.178 dated 05.09.2021 under Section 302 of the IPC (Sections 148, 149 IPC added later on) registered at Police Station Dharamkot, District Moga.

2. Learned counsel for the petitioner submits that the case in hand rests on circumstantial evidence; the deceased Rajwinder Singh (hereinafter referred to as, 'the deceased') was found murdered by his father in law, i.e. the complainant, on the intervening night of 4th and 5th of September, 2021 on the terrace of their house. The FIR was registered soon thereafter against unknown persons and no suspicion whatsoever was raised qua the involvement of any person much less the present petitioner. The motive to commit the crime in question was



stated to be an alleged relationship between the petitioner and the minor daughter of the deceased, which was not being accepted by the latter and his family. Learned counsel has submitted that the petitioner came to be nominated as an accused on the basis of a supplementary statement made by one Mohinder Singh (a close relative and brother in law of the deceased), who claimed that on the night of the murder, he saw all the accused including the petitioner armed with knives and also overheard them boasting that they had murdered the deceased. Learned counsel has asserted that it is highly improbable and unbelievable that in case Mohinder Singh, a close relative of the deceased and who was residing close-by, had indeed seen and overheard the petitioner boasting about having committed the murder of the deceased, he would not have disclosed the said fact after he learnt about the alleged murder. Rather, learned counsel submits that in the first statement made by none other than Mohinder Singh himself, he too had alleged that some unknown persons had murdered his brother in law. Learned counsel submits that strangely, it was after two days of the alleged crime that Mohinder Singh made a supplementary statement wherein he then nominated the petitioner as an accused in the crime in question. Learned counsel has argued that in the aforementioned facts and circumstances, it is evidently a case of false implication; the petitioner has now been in custody for more than 3 ½ years, having been arrested



on 12.09.2021; there is no possibility of the trial concluding in the near future as 7 prosecution witnesses still remain to be examined. Learned counsel has also asserted that the prosecution has not collected any other evidence other than the statement of Mohinder Singh to link him with the alleged murder.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Jasbir Singh, has not been able to controvert the stage/status of the trial. He, on further instructions, has also not disputed that in the first statement made under Section 161 Cr.P.C. by Mohinder Singh, soon after the occurrence in question, he had not mentioned about the involvement of the petitioner but had after 2 days suffered a supplementary statement qua the involvement of the petitioner in the crime in question.

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

5. The petitioner has now been in custody since 12.09.2021 and there is no likelihood of the trial concluding in the near future as 7 prosecution witnesses still remain to be examined. The case in hand rests on circumstantial evidence. Other than the statement made by Mohinder Singh, as also conceded by the learned State counsel, there is no other evidence collected against the petitioner to show his



involvement in the murder of the deceased. In the facts and circumstances as enumerated hereinabove, without commenting on the merits of the case, 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.

(MANJARI NEHRU KAUL)
JUDGE

May 13, 2024
rps

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