

CRM-M-250-2024 (O & M)

2024:PHHC:073685



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(224)

CRM-M-250-2024 (O & M)

Date of decision:23.05.2024

Mangal Singh

..... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Narender Singh Kamboj, Advocate, for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.146 dated 24.04.2023 under Sections 302, 201 and 120-B IPC registered at Police Station City Faridkot, District Faridkot.

2. The present FIR came to be registered at the instance of Jagroop Singh and reads as under:-

“This time one application no. 28 dated 04.10.2022 under section 174 Cr.P.C. P.S. City Faridkot, in connection with Jagroop Singh son of Bikarm Singh son of Mukad Singh resident of Raghubir Colony, Gali No. 11 Faridkot aged about 60 years M- 7837161067 has got recorded his statement that the contents of which are as below: Stated that I am the resident of the above sald address and doing private driving and I have 4 children, two sons and two daughters and all are married. My elder son was Gurpreet Singh. He was doing private job with liquor contractor at Bathinda and on dated 04.10.2022 time about 10.00 AM I have got a phone that my son had died and dead body has been sent to Hospital. I along with my younger



son Dharampreet Singh has reached hospital where the dead body was lying in the dead house. I scared by seeing the dead body of my son Gurpreet Singh. I have tried to find out the reason of death of my son Gurpreet Singh by my own. But at that time not able to find any reason. As of which I have got written at that time that not to take any action. After conducting the postmortem the dead body of my son Gurpreet Singh was handed over to us for funeral. We had done the funeral of my son Gurpreet Singh. Later on I and my family have tried to find out the reason of death of my son Gurpreet Singh and enquired at own level and till time we came to know that my son Gurpreet Singh was having illicit relation since last 7-8 years with Meera Devi wife of Rajkumar resident of Gali No. 5, Mohalla Mahi Khakna. That Meera Devi the above said having some greedy, with having some contention, in connivance with someone else, by beating and giving injuries to my son Gurpreet Singh has murdered him and also they have tried to eliminate the dead body of my son. The legal action may be taken against Meera Devi and unknown persons. The statement got recorded and it is correct, Jagroop Singh”.

3. Meera Devi @ Usha wife of Raj Kumar was arrested. She disclosed that she was in an illicit relationship with the deceased and her son-Sumit Kumar had committed the murder of the deceased. She with the help of her son-in-law Mangal Singh (petitioner) disposed of the body of the deceased.

Mangal Singh (petitioner) was arrested on 27.04.2023 and disclosed that he had borrowed a rickshaw of their neighbour-Sunderpal @ Bania to take away the body of the deceased.

Sumit Kumar turned out to be a minor and was sent to the

Observation Home.



4. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. However, taking the allegations to be correct, he could be liable for having committed an offence under Section 201 IPC only. The said offence was bailable. As he was a first-time offender, in custody since 27.04.2023 but none of the 22 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

5. The learned counsel for the State, on the other hand, has filed a reply by way of an affidavit of Shamsher Singh, PPS, Deputy Superintendent of Police, Sub Division Faridkot dated 23.05.2024 which is taken on record. While referring to the said reply, he contends that the petitioner helped Meera Devi @ Usha his mother-in-law in disposing of the dead body. Therefore, the nature of the allegations levelled against him did not entitle him to the bail. He, however, concedes that the petitioner was a first-time offender, in custody since 27.04.2023 and that none of the 22 prosecution witnesses had been examined so far.

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 a first-time offender, in custody since 27.04.2023 and none of the 22 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 upon the merits of the case, the present petition is allowed and the petitioner, namely, Mangal Singh is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.
9. The present petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 23, 2024
sukhpreet

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