



CRM-M-37319-2024

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

CRM-M-37319-2024

Reserved on: 5th March, 2025Pronounced on: 7th March, 2025

Sonu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. L.M. Gulati, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J :-

The instant one is the third petition for grant of regular bail as filed by the petitioner for grant of regular bail in case arising out of FIR No. 110 dated 20.05.2020 registered under Section 302 read with Section 120-B of IPC (Section 201 of IPC added later on) at Police Station Ajnala, District Amritsar Rural. His first petition bearing No. CRM-M-52800-2022 was dismissed vide order dated 07.11.2023 and second petition bearing CRM-M-14743-2024 was dismissed as withdrawn vide order dated 02.04.2024.

2. Adumbrated facts as emanating from the record are that the aforementioned FIR was registered on the basis of statement got recorded by the complainant Malkit Singh on 20.05.2020, alleging therein that his father-in-law Mor Singh was having illicit relationship with the accused Shindi. On the same day, Mor Singh had left his house to meet Shindi wife of Satpal Singh. The complainant received a call on his mobile at about 02:00 PM and



the caller Jagir Singh informed him that Mor Singh was being assaulted by some persons. On hearing so, the complainant rushed towards the house of Satpal Singh. The victim Mor Singh was found unconscious, Shindi and her son Sonu i.e. son of the present petitioner changing his clothes. On seeing the complainant, they fled away. Mor Singh was rushed to hospital but declared to be brought dead. By alleging that the petitioner and co-accused had caused death of the victim, the complainant made prayer for taking action. After registration of FIR, investigation proceedings were initiated. Inquest proceedings and post-mortem examination of the dead body of the victim was conducted. As per the post mortem report, the cause of death was asphyxia due to obstruction of airways, which was sufficient to cause death in ordinary course of nature. The petitioner and co-accused Shindi were arrested on 18.08.2021. They suffered disclosure statements admitting their involvement in the murder of the victim and disclosed that a pillow was used by them for strangulating the victim. Offence under Section 201 of IPC was added. Investigation stands concluded and the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 18.08.2021. He had been charge-sheeted on 02.05.2022. However, no prosecution witness has been examined so far. The prolonged period of his incarceration is a sufficient ground and is a change in the circumstances from the date of dismissal of the previous petition, thereby entitling him to seek concession of bail. No useful purpose would be served by detaining him in custody anymore. Therefore, it has been urged that the petition deserves to be



allowed.

4. Status report has been filed by respondent-State. It is argued by learned Assistant Advocate General, Punjab that three witnesses were previously examined. However, application under Section 319 of Cr.P.C. was moved and therefore, their further examination was deferred. The eye-witnesses have since been in custody in other case. Efforts are being made for their examination. There is nothing on record to suggest that there would be any undue delay in conclusion of the trial. The previous petition of the petitioner was dismissed on merits discussing all the material circumstances. The allegations against the petitioner are grave in nature and no substantive or specious change in the circumstances has been made out. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner is in custody since 18.08.2021. Some eye-witnesses were examined-in-chief but their cross-examination was deferred. No doubt, the witnesses of the prosecution are yet to be examined. However, the mere long period of incarceration in jail itself can not be considered to be a ground for entitling the petitioner to be enlarged on bail. It is well settled proposition of law that where offences alleged are serious and grave in nature, long period of incarceration and the fact that the trial is not likely to be concluded in near future may not be a ground entitling the accused to be released on bail. Reference in this context can be had to the observations made in *Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC), Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242* and



State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC).

7. The allegations against the petitioner are quite serious in nature. Keeping in view the gravity thereof, the quantum of sentence which the conviction may entail, the fact that there is no substantive or specious change in the circumstance and the attendant facts and circumstances of the case, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

9. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

7th February, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*