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

**CRM-M No.53077 of 2024
Date of Decision: 16.05.2025**

Sarabjit Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Bhupinder Ghai, Advocate
for the petitioner.

Mr. Raj Karan Singh, Asstt. A.G., Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.169, dated 11.09.2023, under Sections 302, 34 of IPC, registered at Police Station Gharinda, District Amritsar.

2. Succinctly the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Krishan Singh, who is the brother of deceased, Lakhwinder Singh. It was alleged that the complainant is the resident of village Chak Mishri Khan, PS Lopoke, District Amritsar whereas his younger brother, Lakhwinder Singh (deceased) was an Advocate at Amritsar Court and he was living with his in-laws in village Saghne for last about 03 years. His brother- Lakhwinder Singh was coming from his in-law's house to meet his father, however his dead body was found lying on the road near Mulla Bahram



village. This was informed to the complainant by someone on 11.09.2023 at about 10:30 A.M. He reached the place of occurrence and found the dead body of his brother, Lakhwinder Singh and found that there was injury marks on the head and right ear of the body of his brother. It was alleged that some unknown persons had committed the murder of his brother and hence, the request was made to take the legal action against the accused. On registration of the FIR, the investigation commenced. Supplementary statement of the complainant was recorded on 20.09.2023 wherein he suspected the petitioner to be the person, who had committed the murder of his brother. Thus the petitioner was arrayed as an accused in the present case and thereafter was arrested on 20.09.2023. The petitioner approached the Court of learned Additional Sessions Judge, Amritsar praying for the grant of bail. However, after hearing both the sides finding no merit in the same, the learned Additional Sessions Judge, Amritsar declined the petition filed by the petitioner vide order dated 10.09.2024. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that case of the prosecution is based on circumstantial evidence. He has submitted that dead body of brother of the complainant was found lying on the road and the FIR was registered against the unknown persons. However he has submitted that 09 days after the registration of the FIR, the supplementary statement of the complainant was recorded on due deliberations that the petitioner was suspected to be the person, who had committed the murder of brother of the complainant. He has submitted that the petitioner is brother-in-law of the deceased, who is the husband



of sister of the petitioner and the allegations itself is without any basis. He has submitted that to prove the complicity of the petitioner, the prosecution has relied only upon the supplementary statement of the complainant and recovery of one weapon. He has submitted that the same in itself are not sufficient to prove the allegations against the petitioner. He submits that false implication of the petitioner is writ large. He has submitted that the petitioner is behind bars since the date of his arrest, i.e. 20.09.2023, however till date, the prosecution has not examined the single witness. He has submitted that the petitioner has no criminal antecedents. He has thus submitted that in the facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned counsel for the State has vehemently opposed the submissions made by counsel for the petitioner. He, on instructions, has submitted that the deceased was living with his in-laws and the petitioner had a strong motive as was disclosed in the disclosure statement. He has submitted that the weapon of the offence is also recovered at the behest of the petitioner. He has submitted that the challan is presented and charges are framed. However out of 15 prosecution witnesses, no witness has been examined till date. He has placed on record custody certificate of the petitioner.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is inferred that case of the prosecution is based on circumstantial evidences. The petitioner has been arrayed as an accused on the supplementary statement of complainant. It is also alleged that the weapon of offence is also recovered on his disclosure. Custody certificate



produced by the learned State counsel shows that the petitioner has suffered incarceration of 01 year, 07 months and 22 days as on 15.05.2025. It further reflects that the petitioner has no criminal antecedents. Out of 15 prosecution witnesses, none has been examined till date.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

8. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

16.05.2025
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(RAJESH BHARDWAJ)
JUDGE

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