

CRM-M-59451-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59451-2024
Reserved on: 13.01.2025
Pronounced on: 21.01.2025

Sukha Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vipul Aggarwal, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
128	28.10.2022	Bhindi Saidan, District Amritsar Rural	302, 427 IPC (Sections 341, 34, 201, 120-B IPC added later on)

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 14 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“2. That the brief and relevant facts of the case are that the aforesaid FIR No. 128 dated 28.10.2022 was registered on the basis of the statement of Harmanjot Singh son of Surjit Singh, who had alleged therein that his elder brother Joga Singh was in the search of work and on 27.10.2022 at 06:00 PM, he had gone from his house on his Hero motorcycle No. PB-02-CD-2958 but he did not return home and at about 09:20 PM, that he received a telephone call from a girl from mobile number 97819-84520 who stated that his brother Joga Singh had come to meet her and had returned back home after meeting her and when he asked about her identity, she disclosed her name was Raj Kaur @ Rajji. He further stated that as his brother Joga Singh did not get back home, then he along with

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his father Surjit Singh and mother Sita went for his search till 01:00 AM 2:00 AM and as his brother was found nowhere, they returned back and on 28.10.2022, at about 11:00 AM, when they reached near Bus Stop Dug Toot in order to search his brother, an unknown person informed them that a dead body of a young man was lying on the side of the road leading to village Saidpur along with a smashed motorcycle and when he along with his father and mother reached spot, the dead body of his brother Joga Singh and his motor cycle was found and he had a suspicion that some unknown person had murdered his brother and dumped his body. The detailed facts mentioned in the aforesaid statement is attached with the petition as Annexure P-1, FIR No. 128 dated 28.10.2022 which may kindly be read as the part of this paragraph please, as same is not repeated for the sake of brevity.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

6. The analysis of the petitioner's arguments and counter arguments is as follows.

7. Petitioner's first ground is that the murder was committed on a busy road but there is no eyewitness and is purely based on circumstantial evidence. State counsel has opposed such arguments and submits that the petitioner has been named by complainant-Harmanjot Singh and other witnesses Raji and Sukhdev Singh. Thus, whether the chain is complete or incomplete, is a matter of trial.

8. It would be appropriate to refer to para 8 of the reply, which reads as follows:-

“8. That during the investigation, the statement of Sukhdev Singh, Member-Panchayat, was also recorded on 06.11.2022, who had stated that on 05.11.2022 at about 8.00 P.M. , he was present at his house and the petitioner, co-accused Major Singh, Sucha Singh and Joga Singh came at his house and confessed before him about the murder of deceased Joga Singh.”

9. Thus, there is extra-judicial confession of the petitioner made to Sukhdev Singh-Member Panchayat and whether this confession is under duress, is a matter of trial but presently this evidence is sufficient which indicates petitioner's participation. In addition to that petitioner had sufficient motive to commit the offence as is emerging from the facts (supra).

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10. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for bail. The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

11. The petitioner's custody of around 02 years cannot be termed prolonged, given the minimum sentence prescribed for the offense, which is Death or imprisonment for life.

12. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

13. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

21.01.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No