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

CRM-M- 30943-2022

Date of decision:-22.04.2025

**RAJENDER SINGH @ RAJA**

... Petitioner

Versus

**STATE OF PUNJAB**

... Respondent

**CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.**

Present:- Mr. Bipan Ghai, Sr. Advocate with  
Mr. Nikhil Ghai, Advocate for the petitioner.

Mr. Jatinder Pal Singh, Sr. DAG, Punjab.

Ms. Indira, Advocate for the complainant.

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**SANJIV BERRY, J.(ORAL)**

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case(Annexure P-1):-

FIR No.	Dated	Sections	Police Station
185	14.08.2021	302, 34 IPC	Gharinda, District Amritsar

2 Arguments heard.

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that petitioner is not named in the FIR and only on the basis of last seen version allegedly made by Gagandeep Kalia, the petitioner has been implicated in the case and he is in custody since 17.08.2021 and the



prosecution has examined the aforesaid Gagandeep Kalia as PW-13 in the trial Court wherein he has not lent any support to the case of the prosecution and was declared hostile. This crucial witness has not lent any support to the case of the prosecution against the petitioner and had flatly denied having made any statement to the police by stating that he has seen the accused for the first time in Court on that day. He contends that other part of the incriminating allegations against the petitioner is the alleged confessional statement of PW Sardool Singh who has since expired and there is nothing left in the case of the prosecution to connect the petitioner with the alleged crime. He submits that the conclusion of trial will take sufficient long time and keeping the petitioner in custody who is not having any criminal antecedents will not serve any purpose. Hence prays for grant of regular bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the State has prayed for dismissal of the bail petition on the ground that the petitioner is involved in heinous crime. However, on query, he admitted that the instant case is based on circumstantial evidence wherein the petitioner was not named in the FIR but was nominated on the extra judicial confession of PW Sardool Singh who had since expired and also on the last seen version stated by PW Gagandeep Kalia, who has since turned hostile during trial.

5. After considering the rival contentions and perusing the record, it is observed that the FIR was registered on the statement of complainant Kulwant Singh alleging that on 13.08.2021 at about 06:30 pm his son told



him that he has been called by his friend for some work and will come back after sometime. His son did not return and on making a telephonic call on his number, the same was found switched off. Later the dead body was recovered from the haweli of Satnam Singh. Accordingly, case was registered. During course of investigation on the basis of extra judicial confession and last seen version, the petitioner was arrested on 17.08.2021, after completion of investigation, challan has already been presented in Court.

6. It is evident from the arguments raised by both the sides, that the petitioner was not named in the FIR nor any specific overt act is attributed to him, the case based on the circumstantial evidence mainly on the last seen version and also on the extra judicial confession in this regard. The prosecution had relied upon the PW Gagandeep Kalia and PW Sardool Singh respectively, admittedly, PW Sardool Singh has since expired while PW Gagandeep Kalia has been examined as PW-13 in the trial Court but has not lent any support to the case of the prosecution by specifying that he has seen the petitioner for the first time in the Court and has not given any statement to the police. Admittedly, there is no other evidence coming against the petitioner except for the aforesaid witnesses. The petitioner is not having any criminal antecedents, the conclusion of trial, to ascertain criminal liability, if any, of the petitioner will take sufficient long time, therefore, no purpose would be served by detaining the petitioner any longer in custody.

7. In these circumstances, without commenting on the merits of



the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending application(s) if any shall also stand disposed of.

**(SANJIV BERRY)**  
**JUDGE**

**22.04.2025**

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No