

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-14833 of 2015 (O&M)

Date of Decision:22.7.2015

Chamkaur Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Argued by: Mr. Gaurav Sharma, Advocate for the petitioner.
 Mr. P.S. Grewal, DAG, Punjab for the respondent.
 Mr. P.K.S. Phoolka, Advocate for the complainant.

NAVITA SINGH, J.

1. The petitioner is being tried for various offences including the offences under Sections 302 and 376 of the Indian Penal Code (IPC for short). He has now requested for grant of regular bail on the ground that he is in custody since 16.11.2013 and there is no direct evidence against him. All the material witnesses stand examined and also co-accused Paramvir Singh alias Phana and Sukhvir Singh have been granted bail.

2. Counsel for the petitioner submitted that the main witness stands examined and the petitioner was also not named in the FIR. He further submitted that according to the FIR, deceased Hardeep Kaur had gone missing on 12.11.2013 in the morning and at about 2.00 am on 13.11.2013 she was found lying unconscious near the gate of her house. It was submitted that the doctor said that he was called by complainant Darshan Singh and at that time the girl was in the house and was lying on the bed. However, she was dead. It was contended that the story that she was found unconscious outside the house was belied.

3. Reference was also made on the statement of Jagraj Singh, PW5.

4. State counsel, however, countered the arguments advanced on behalf of the petitioner stating that the complainant categorically mentioned that his daughter had gone missing and she was found unconscious outside the gate of their house. Balaur Singh, who examined and pronounced Hardeep Singh dead, had found reddish mark on the neck of the deceased and the complainant also stated that there were marks on the neck and stomach of his daughter. He also stated that Chamkaur Singh (petitioner) was forcing Hardeep Kaur to marry him and he in connivance with co-accused, had murdered the daughter of the complainant.

5. So far as the grant of bail to co-accused is concerned, it may be commented that the case of the petitioner is not on the same footing as the co-accused. Petitioner has been found to be the main culprit and the allegations against him are that he had kidnapped, raped and murdered the girl. Details of evidence need not be gone into here because any observations made in the order would affect the trial.

6. The petitioner could not be named in the FIR because the girl had gone missing and then thrown outside the house in an unconscious position or may be by that time she was already dead. At that time, the complainant was not aware as to who had killed his daughter. During investigation, it was found that the petitioner was the main person and the complainant also stated that the petitioner was compelling his daughter to marry him.

7. In view of the above, the request for bail made by the petitioner is not justified. The petition is dismissed.

(NAVITA SINGH)
JUDGE

22.7.2015
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