

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRM-M-30900-2015
Date of decision:24.9.2015**

Gurdeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.TPS Tung, Advocate for the petitioner.
Mr. K.D.Sachdeva, Addl. A.G., Punjab.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks bail pending trial in FIR No.131 dated 25.11.2014 registered under Sections 302, 201 and 120-B of the Indian Penal Code at Police Station Sadar, Raikot, Police District Ludhiana Rural.

Learned counsel for the petitioner submits that the very allegation levelled against the petitioner in the FIR does not appeal to reason. The genesis of the incident, as projected by the prosecution, that deceased Manpreet Kaur was having undesirable relations with Dr.Gurdeep Singh and wanted to marry with him, is absurd on the face of it for the reason that Dr.Gurdeep Singh was already married and having children. In such a situation, there was not even a remote scope to allege that it was the case of honour killing. He also places reliance on an order dated 4.9.2015 passed by this Court in CRM-M-28535-2015 (Amarjit Kaur v. State of Punjab), whereby co-accused of the petitioner was granted the concession of anticipatory bail by this Court. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Raghbir Singh, Police Station Sadar, Raikot, submits that petitioner is the main accused and he is not entitled for the concession of bail pending trial. He further submits that petitioner had a motive to commit the offence in question. He would next contend that veracity of the story put forth by the prosecution in the FIR would be seen at the time of trial. Petitioner being the main accused is not entitled for the concession of bail pending trial. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties and after careful perusal of the record of the case, this Court is of the considered opinion that in the peculiar facts and circumstances of the case petitioner has been found entitled for bail pending trial. It is so said, because there is no medical evidence available on record to ascertain the cause of death of the deceased. Petitioner was admittedly father of the deceased. The FIR was registered on the basis of secret information. There is no eye witness to the alleged occurrence. In such a situation, it would be a debatable issue before the learned trial Court as to whether petitioner, as a matter of fact, had played any role in the commission of offence in question. The case seems to be based on circumstantial evidence only. Further, since the prosecution evidence is yet to start, conclusion of the trial will also take some time.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, the instant petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

24.9.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE