

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

CRM-M-35649-2015 (O&M)

Date of Decision: December 14, 2015

Mandeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.F.S.Virk, Advocate
for the petitioner.

Mr.K.S.Pannu, DAG, Punjab.

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1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *To be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J.(Oral)

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of regular bail to the petitioner, Mandeep Singh, who has been booked for having committed the offences punishable under Sections 201, 306, 363, 364 and 366, IPC, in a case arising out of FIR No.100, dated 18.05.2015, registered at Police Station, Patran, District Patiala.

Learned counsel contends that even if the whole case

of the prosecution is taken at its value then also the gravamen of the offences for which the petitioner has been booked are not attracted qua the petitioner. He further submits that there is not an *iota* of material to say that the petitioner abducted and committed murder of Sapna. He further submits that there is no evidence to say that the petitioner abetted Priya and Rajni to commit suicide. Learned counsel has gone to the extent to submit that in fact Shakuntala Devi, mother of Priya and Rajni either abetted them to commit suicide or committed their murder for which the petitioner has unnecessarily been languishing in jail. He further submits that after his initial arrest when the Investigating Agency could not file the charge-sheet (challan) within the stipulated period, an application under Section 167(2) Cr.P.C., was presented and the same was allowed. As soon as the said application was allowed, the prosecution added Sections 201 and 364, IPC, for having abducted Sapna with an intention to commit her murder despite the fact that there was no evidence in that regard. The only motive for adding Sections 201 and 364, IPC, was that the petitioner to remain behind the bars.

Learned counsel for the State, after taking instructions from ASI Harminder Singh, Police Station, Patran, District Patiala,

and going through the police file could not point out the evidence that Sapna was abducted and her murder was committed by the petitioner except the oral statements of father (Rajbir Singh), mother (Shakuntala) and sister (Ashu) of Sapna, the alleged girl, who was abducted. He further fairly concedes that there is no evidence with the prosecution to say that the petitioner abetted Shakuntala, Ashu, Priya and Rajni to jump into Bhakra canal to commit suicide, except the aforesaid oral evidence.

I have heard the learned counsel for the parties and with their able assistance gone through the material available on record.

Perusal of the first information report and the statements of Shakuntala, Ashu and Rajbir, recorded under Section 161, Cr.P.C., would clearly spell out that there is no material with the Investigating Agency to say that Sapna has since been murdered. The perusal of the statements under Section 161, Cr.P.C., of the aforesaid persons would further reveal that at no point of time the petitioner had abetted any one of the deceased to commit suicide. This Court further finds that when the Investigating Agency could not file the charge-sheet (challan) within the stipulated period, then the petitioner was

ordered to be released on bail in terms of Section 167(2) Cr.P.C., but immediately thereafter Sections 201 and 364, IPC, were added and, as such, the petitioner could not be released on bail.

Keeping in view the totality of the facts and circumstances of the case, but without meticulously discussing the merits, the present petition is allowed. Petitioner-Mandeep Singh, son of Pargat Singh, resident of Ward No.9, Dhanak Basti, Patran, District Patiala, Punjab, is ordered to be released on bail during pendency of the trial of the present case subject to his furnishing bail bonds to the satisfaction of learned Chief Judicial Magistrate/ Duty Magistrate, Patiala.

It is made clear that observations made hereinabove are for the limited purpose for deciding the present petition.

December 14, 2015
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(NARESH KUMAR SANGHI)
JUDGE