

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

CRM-M No.4455 of 2015.

Date of Decision: April 21, 2015.

Sanjeev Kumar @ Gulli

....Petitioner.

VERSUS

State of Punjab

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

1. Whether the judgment should be reported in the digest? Yes/No
2. Whether to be referred to the Reporter or not? Yes/No

Present: Mrs. Baljit Mann, Advocate for the petitioner.

Mr. Rupam Aggarwal, Deputy Advocate General, Punjab.

SNEH PRASHAR, J.

A petition under Section 439 of the Code of Criminal Procedure (in short, "Cr.P.C.") for grant of regular bail was filed by petitioner Sanjeev Kumar @ Gulli in case First Information Report No.58 dated 18.04.2011 under Sections 302/201 read with Section 34 of the Indian Penal Code (in short, "I.P.C.") registered at Police Station Saleem Tabri, Ludhiana.

2. The story of the prosecution was that a beheaded dead body of a young man was recovered lying in a vacant plot in Sandhu Nagar,

Ludhiana. The photographs of the dead body were published in newspaper. Malti Devi, mother and Pinki, sister of the deceased identified the dead body and in their statements they expressed suspicion that Rakesh Kumar of Sunil Nagar, Ludhiana, had committed the murder he and was arrested. Further investigations indicated involvement of petitioner Sanjeev Kumar alias Gulli. He, too was arrested and in pursuance of his disclosure statement, one Nylon rope, a Honda Activa Scooter No.PB-10BD-2555 alongwith its Registration Certificate in the name of one Gurpreet Singh, were got recovered from him. From the Scooter, a receipt in the name of Rakesh Kumar, co-accused was also taken in possession.

3. Heard the submissions made by Mrs. Baljit Mann, learned counsel representing the petitioner and Mr. Rupam Aggarwal, Deputy Advocate General, representing the State of Punjab.

4. Learned counsel for the petitioner submitted that there was no direct allegation against the petitioner. He was arrested in pursuance of disclosure statement of his co-accused Rakesh Kumar. The recovery of Nylon rope and scooter etc. was planted to implicate him in the present case. The Nylon rope was not sent to Forensic Science Laboratory for chemical analysis to know whether it had been used in strangulation or not. Learned counsel also submitted that the petitioner is in custody since the date of his arrest i.e. 25.04.2011. The case is pending for the last four years and prosecution has been able to examine only four witnesses out of the list of 25 witnesses submitted alongwith the final report. Submitting that the trial is still likely to take some time, learned counsel prayed for release of

the petitioner on bail.

5. The petition was opposed by learned Deputy Advocate General appearing on behalf of the State of Punjab. He submitted that it was a blind murder but there is direct allegation of the mother and sister of the deceased that he had been murdered by the petitioner and his co-accused Rakesh Kumar.

6. Indeed, the case of the prosecution rests on last seen evidence, circumstantial evidence and the recoveries effected from the petitioner and his co-accused. The sister and mother namely, Pinki and Malti have already been examined by the prosecution as PW1 and PW2 respectively and as submitted by learned Deputy Advocate General for the State of Punjab, both have reiterated the allegations against the petitioner and his co-accused in their deposition.

Considering the gravity of offence and the fact that the petitioner, if enlarged on bail, may pressurize the material witnesses yet to be examined and may mis-utilize the concession given, in my considered opinion, no case for release of the petitioner on bail is made out and the petition is dismissed.

However, the case has apparently become four years old, therefore, learned trial Court shall take effective steps to expedite the trial and will complete the same at the earliest preferably within four months from the date of this order.

(SNEH PRASHAR)
JUDGE

April 21, 2015
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