

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

CRM No.M-7956 of 2015 (O&M)

Date of decision:07.04.2015

Gurmeet Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. M.S. Sidhu, Advocate for the petitioner.

Mr. Nikhil K. Chopra, DAG, Punjab.

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TEJINDER SINGH DHINDSA, J.

The instant petition has been filed under Section 439 Cr.P.C. seeking the concession of regular bail to the petitioner in case FIR No.171 dated 23.08.2012 under Sections 302/404/201 IPC, registered at Police Station Dakha, District Ludhiana.

Counsel for the parties have been heard.

The deceased in the present case is Gurdeep Kaur, whose dead body was found alongside the canal of village Issewal on 16.08.2012. Cremation took place on 17.08.2012.

The present petitioner has been implicated on the basis of a supplementary statement made by Rajpal Singh, complainant and husband of the deceased on 23.08.2012, wherein he has stated that on 22.08.2012, one Gurdeep Singh S/o Gurmail Singh had came to his residence to offer condolence and then had disclosed that he had seen the deceased Gurdeep Kaur talking to the present petitioner on the metalled road alongside the canal on 16.08.2012. As per such statement, Gurdeep Singh had thereafter proceeded to Delhi on the same very day at about 6 P.M. for personal work

and upon returning back on 22.08.2012 had furnished such vital information to the complainant. That apart, complainant also referred to the name of Harpreet Kaur w/o Gurpreet Singh, who is stated to have visited him on 23.08.2012 and had disclosed that the petitioner, who was working as a travel agent was to be delivered a sum of Rs.3 lacs by the deceased. On the strength of such statement, it was alleged that the petitioner has called his deceased wife and after having grabbed the money has murdered her.

The petitioner was arrested on 24.08.2012. Investigation having been completed, challan was presented on 15.11.2012. It has gone uncontroverted that till date, statements of material witnesses, namely, Gurdeep Singh S/o Gurmail Singh and Harpreet Kaur w/o Gurpreet Singh have not been recorded.

Counsel for the petitioner has adverted to the statement of PW1, Rajpal Singh recorded before the Court and wherein he has stated that Gurdeep Singh had attended the cremation of his wife. Such deposition would be at clear variance with the statement of Rajpal Singh recorded on 23.08.2012 on the basis of which the FIR was lodged, wherein he had stated that Gurdeep Singh had allegedly seen his wife with the petitioner on 16.08.2012 and had proceeded to Delhi on the same very day and thereafter had returned only on 22.08.2012. To the contrary, deposition of Rajpal Singh, complainant in the Court is that Gurdeep Singh had attended the cremation of his wife, which took place on 17.08.2012. It may also be noticed that as PW1 Rajpal Singh has further stated that even Harpreet Kaur w/o Gurpreet Singh was present at the time of cremation i.e.17.08.2012. If that be so, it would have to be reconciled as to why afore noticed Harpreet Kaur had remained silent for a period of one week and only thereafter on

23.08.2012 has informed Rajpal Singh as regards handing over of an amount of Rs.3 lacs to be forwarded to the present petitioner.

Under such circumstances, the question as to whether offence under Section 302 IPC is made out against the present petitioner would be a moot point and to be adjudged at the stage of trial.

The petitioner has been in custody since 24.08.2012.

Trial has not made much progress till date and the material witnesses are yet to be examined and as such, would take time to conclude.

In the totality of circumstances and keeping in view the custody period, petition is allowed.

Petitioner be enlarged on bail subject to the satisfaction of the trial Court.

It is, however, made clear that the observations contained in this order are confined only as regards examining and adjudicating the prayer of the petitioner seeking benefit of regular bail pending trial and would have no bearing on the trial proceedings.

Petition stands disposed of.

07.04.2015

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**