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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9472-2015 (O&M)
Date of Decision: 26.05.2015

GURDARSHAN SINGH @ KULWINDER SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. C.M. Munjal, Advocate
for the petitioner.

Mr. Arshdeep Singh Kler, DAG, Punjab.

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?*

RAJ MOHAN SINGH, J.(Oral)

On 15.05.2015, after hearing the case at some length, this
Court passed the following order:-

“Learned counsel for the petitioner contends that Author of FIR Balwinder Singh is the brother of deceased Jaswinder Singh who was married to Sukhpal Kaur. Allegations are that Sukhpal Kaur is not enjoying good moral character. Co-villagers namely Mandip Singh and Gurdarshan Singh (petitioner) used to visit the house of deceased Jaswinder Singh. Allegations are of illicit relationship. Sukhpal Kaur used to serve liquor to aforesaid Mandip Singh and Gurdarshan Singh. On being objected by complainant and his wife she did not mend her ways. In the night of 11/12.09.2014, it has been alleged that complainant saw Mandip Singh and Gurdarshan Singh coming to the house of his brother Jaswinder Singh. After sometime they started music by putting deck on the tractor in a high volume. The music

stopped at about 3.00 AM. Complainant heard noise of starting of motor-cycle from the house of his brother. He went outside and thereafter told the same to his wife as well to former Surpanch, Panch and his relatives. Suspicion was made that Sukhpal Kaur in connivance with Mandip Singh and Gurdarshan Singh might have murdered Jaswinder Singh. In the morning complainant went to the house of his brother Jaswinder Singh and Sukhpal Kaur did not reply satisfactorily in respect of whereabouts of Jaswinder Singh, rather, told that during last night he was heavily drunk and might have gone somewhere. Later on dead body of Jaswinder Singh was found in canal.

Learned counsel for the petitioner states that there is no witness of last seen. Alleged visits of Mandip Singh and Gurdarshan Singh to the house of Sukhpal Kaur was stated to be normal routine, then what prompted the complainant on that day to show apprehension about murder of Jaswinder Singh particularly when he did not see any accused taking away Jaswinder Singh along with them at about 3.00 AM.

According to learned counsel, challan has been presented without report of Visra. Even charges have been framed. On pointing query of learned counsel for the petitioner, Mr. Kler, wants to verify the factum of postmortem report whether the same was presented to Court with challan or not?

Adjourned to 26.05.2015."

Learned counsel for the petitioner reiterated the arguments and stressed that the challan has been presented in haste in the absence of report of viscera. The trial Court proceeded with the case and even framed charges. Learned counsel further stated that even the challan was not accompanied by post-mortem report. Mr. Arshdeep Singh Kler, DAG, Punjab, on instructions from ASI Baldev Singh, however admits that the post-mortem report was not attached with the challan but the same was sent to chemical examiner for the purposes of obtaining viscera report.

In view of narration of facts given in order dated

15.05.2015, this Court feels that regular bail can be granted to the petitioner without commenting upon merits of this case. At this stage, let the petitioner be enlarged on regular bail, subject to his furnishing heavy bail bonds and surety bonds to the satisfaction of CJM/Duty Magistrate, Mansa.

Nothing expressed hereinabove would be construed to be an expression of opinion on merits of this case.

May 26, 2015.
SwarnjitS

(RAJ MOHAN SINGH)
JUDGE