

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

CRM-M No.24883 of 2016 (O&M)

Date of decision : 04.08.2016

Kuldeep Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Atul Goyal, Advocate for the petitioner.

Ms. Amarjit Kaur Khurana, Addl. AG, Punjab.

AJAY TEWARI, J. (Oral)

This is a petition for grant of anticipatory bail to the petitioner under Section 438 Cr.P.C. in case FIR No.38, dated 13.04.2016 registered under Sections 302/201/34 IPC at Police Station Payal, District Ludhiana.

The allegations are that the dead body of Jagwinder Singh was discovered on 17.02.2016 and the petitioner is accused of being involved in that.

Learned counsel for the petitioner has argued that the whole case is based on last seen evidence and alleged extra judicial confession. The last seen evidence is by the uncle of the sister-in-law of the deceased. He further states that it is a case of circumstantial evidence and entire circumstantial evidence has surfaced after three months of the death and it is a case where the brother-in-law (*devar*) is implicating the sister-in-law (*bhabhi*) alongwith the petitioner. As per him, the motive is that in case, the sister-in-law is implicated, he would stand to inherit his brother's property also.

Learned Additional Advocate General, on instructions from S.I. Niranjan Singh has accepted this fact and argued that apart from the circumstantial evidence there is also an extra judicial confession. However, she has not disputed all these pieces of evidence which have surfaced after about 3 months.

In these circumstances, I do not deem it appropriate to deny anticipatory bail to the petitioner.

Resultantly, the petition is allowed. In the event of arrest of the petitioner, he shall be released on bail to the satisfaction of the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

The petitioner is directed to appear before the investigating officer on 11.08.2016 and on any other date as and when his presence is required. On his appearance the I.O. shall release him on bail to his satisfaction subject to the conditions envisaged under Section 438 (2) Cr.P.C. In case the petitioner does not appear before the investigating officer in the aforesaid manner the present petition would be deemed to have been dismissed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

04.08.2016
Pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No