
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.209

CRM NO. M-34968 of 2016
DECIDED ON: October 19, 2016

MALKIAT SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Namit Gautam, Advocate,
for the petitioner.

Mr. Rajpreet Singh Sidhu, A.A.G., Punjab.

JASPAL SINGH, J.

The instant petition has been preferred under Section 439 Cr.P.C. by petitioner - Malkiat Singh, seeking the interim bail, during the pendency of trial, in case bearing FIR No.10, dated February 26, 2015, under Sections 302, 201, 341 IPC, registered at Police Station Kabirpur, District Kapurthala.

2. Learned counsel for the petitioner has contended that petitioner has been falsely implicated in the instant case. The entire version of FIR and police investigation is blind and without any conclusion to link the petitioner with the alleged case. The complainant has only raised a suspicion regarding the alleged murder of his son, whereas, there is no

evidence or witness collected by the prosecution to link the petitioner and his family members with the alleged murder. The petitioner is an old man and there is no other member in the family to look after his land and his ailing wife. There is no evidence collected by the prosecution to show the involvement of petitioner with regard to commission of offence of murder. Petitioner is neither a habitual offender nor a convicted person. There is no possibility of tampering with the prosecution case. The petitioner was arrested in this case on February 27, 2015 and disposal of trial will take long time. The investigation is complete and no useful purpose would be served by refusing the grant of bail to the petitioner. Learned counsel further contends that petitioner shall abide by all the terms and conditions imposed upon him, in case, he is released on bail.

3. Learned State counsel has opposed the instant petition by submitting that offence complained of against the petitioner is of serious in nature. The evidence collected during investigation, shows the involvement of the petitioner in the alleged murder of son of the complainant.

4. This court has given an anxious thought to the rival submissions made by learned counsel for both the parties and have gone through the record available.

5. The instant case was registered on the basis of statement of Mohinder Singh, son of the petitioner namely Gurjant Singh @ Sonu was serving in 171 Sikh Regiment of Indian Army and had come to his village only. Gurjant Singh @ Sonu was having affair with one Prabhjot Kaur daughter of Malkiat Singh (petitioner) and was willing to perform marriage with her. On February 25, 2015, at about 8 PM, Gurjant Singh @ Sonu had

gone on motor cycle bearing No.PB-41-B-2200 but he did not return back. On being searched, his dead body was found lying near graveyard of village Mullakalan with multiple injuries on his mouth and neck. The complainant suspected that his son was murdered by petitioner along with his co-accused Sukhjinder Singh and Prabhjot Kaur.

6. There are serious and specific allegations against the petitioner. Further, the postmortem report shows that murder of Gurjant Singh @ Sonu was committed by causing multiple injuries with sharp edged weapon. Gravity of the offence is serious. Trial is pending and many material witnesses are remained to be examined.

7. Keeping in view the seriousness and gravity of offence, this court does not deem it proper to extend the benefit of bail to the petitioner.

8. Dismissed.

October 19, 2016
Avin/Ankur

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No