

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-21501 of 2017

Date of Decision: 01.08.2017

Lakhwinder Singh @ Lakha

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Harish Sharma, Advocate
for the petitioner.

Ms. Rajni Gupta, Sr. DAG, Punjab.

SURINDER GUPTA, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 86 dated 16.07.2016 registered for the offence punishable under Section 302 read with Section 34 of Indian Penal Code (for short, "IPC") at Police Station Ladhowal, District Ludhiana. (Offence punishable under Section 120-B IPC was added later on).

It is a case of blind murder of a young girl, which was reported to the police of Police Station Ladhowal, District Ludhiana by Hansraj Singh ex-*sarpanch* of village Talwandi Kalan. On investigation, it was found to be a case of honour killing in which father and maternal uncle (petitioner) of the deceased were arrested.

Learned State counsel submits that it is a case based on circumstantial evidence. The petitioner was last seen with the deceased by Iqbal Singh and Janak Raj. While appearing as PW-1, Iqbal Singh has stated that he had seen petitioner taking the deceased from her house in his car make Safari bearing registration no. CG-07-MB-5069. Janak Raj, another witness, who was also joined in investigation by the police, has also made similar statement. The

prosecution has yet to examine the said witness in Court. Release of petitioner on bail, at this stage, will not only effect the prosecution case but also provide opportunity to petitioner to prevail upon material witnesses.

Learned counsel for the petitioner submits that allegation against Narvail Singh, father of the deceased, were similar to allegations levelled against the petitioner, who has been allowed bail by Additional Sessions Judge, Ludhiana. Seeking parity with Narvail Singh, he requests for grant of bail to petitioner.

Firstly, I take the issue of grant of bail to Narvail Singh. Learned Additional Sessions Judge allowed him regular bail as there was no evidence against him except statement of Iqbal Singh, who turned hostile. Petitioner has been named by Iqbal Singh and was last seen with deceased. Another witness, namely, Janak Raj, has also named the petitioner in his statement under Section 161 Cr.P.C. recorded by police. He is yet to be examined by prosecution in support of its case that the petitioner had taken the deceased from her house before her murder.

In view of aforesaid evidence, learned counsel for the petitioner cannot seek parity with Narvail Singh. The trial is in progress. Grant of bail to petitioner, at this stage when the prosecution has to examine material witnesses, will not be in the interest of justice as it will provide him opportunity to prevail upon the prosecution witnesses and to tamper with the prosecution evidence.

Keeping in view above facts, I find no merit in this petition and the same is dismissed.

August 01, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No