

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

**Criminal Misc. No. M-26540 of 2017
Date of Decision:-23.08.2017**

Lakhwinder Singh @ Bittu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present:- Mr. S.P.S. Sidhu, Advocate
for the petitioner.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

SUDIP AHLUWALIA J.(Oral)

In this petition filed under Section 439 Cr.P.C. by the petitioner second time, he seeks his release on regular bail in connection with the proceedings arising out of FIR No.46 dated 26.6.2016, under Sections 302, 201, 120-B and 506 IPC read with Section 34 IPC, registered at Police Station Talwandi Chaudhrian, District Kapurthala.

The petitioner is the principal accused and husband of the victim Sandeep Kaur, who was allegedly murdered, but her body has not been found till date. It has been stressed by learned counsel for the petitioner that the total case against his client is founded upon circumstantial evidence. The victim was allegedly taken away from her

parental house, where she had come on account of her strained matrimonial life with the petitioner. She is alleged to have been taken away in a car at night time by the petitioner, who was accompanied by co-accused Ranjit Singh.

Learned counsel for the petitioner has further emphasized that the said co-accused was ordered to be released on bail by a co-ordinate Bench of this Court vide order dated 5.4.2017 in Criminal Misc. No. M-9741 of 2017 titled as “Ranjeet Singh @ Jeetu vs. State of Punjab”.

The bail application is, however, opposed on behalf of the State. Contention of learned counsel for the State is that the nature of involvement and culpability of the present petitioner on the basis of available material/evidence collected during investigation is far more serious than that of the co-accused. It is further submitted on behalf of State that trial in the case is already in progress and the next date for recording of evidence of the prosecution witnesses is fixed for 28th of this month. It is also submitted that so far two private witnesses including the complainant/father of the victim have been examined.

We may, at this stage, advert to the order passed by learned trial Judge on 10.4.2017 in rejecting the petitioner's application for bail. The relevant extracts from the aforesaid order are set out as below :-

“....Charges have been framed against the applicant/accused and co-accused, still prosecution has to examine most material witness i.e. complainant and eye witness of extra judicial confession and last seen theory of the deceased in the company of the

applicant/accused. So if the applicant/accused may be given the benefit of bail he may try to temper the prosecution evidence or influence the witness. So keeping in view these circumstances and further in view of the nature of the offence which is very serious and nature of allegations which are against the applicant/accused, I deem it is not appear or in the interest of justice fo extent the benefit of bail to the applicant/accused.”

It is thus seen that the main consideration before the learned trial Judge was the possibility of tampering evidence/influencing the prosecution witnesses in the event of the petitioner being granted bail. This Court is in agreement with the aforesaid observations particularly considering the serious nature of allegations. Consequently, the prayer of bail is rejected at this stage.

The petitioner will, however, be at liberty to approach the Court again after completion of the evidence of material private witnesses in the case, whose names as specified by learned counsel for the State are as under :-

1. Shri Pargat Singh;
2. Shri Virinder Singh; and
3. Shri Fakir Singh.

August 23, 2017
Vijay Asija

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No