

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

**CRM-M-28752-2017
Date of decision :30.10.2017**

Harchet Singh @ Chetu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE H.S. MADAAN

Present : Mr. Anterpreet Singh, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Atul Goyal, Advocate
for the complainant.

H.S. MADAAN, J.

This application for grant of regular bail has been filed by Harchet Singh @ Chetu an accused in FIR No.300 dated 26.11.2014 under Sections 302/34/120-B IPC registered at Police Station City Khanna, Police District Khanna, District Ludhiana.

Briefly stated facts of the case are that complainant Ishinder Singh aged about 44 years has been residing in Shiv Mandi Wali Gali, H. No.862/1 Malerkotla Road Khanna running furniture shop at Malerkotla Road, Khanna. One of her sister namely Harinder Kaur aged about 58 years

was married with Manjit Singh of Khanna; that she was blessed with two children, however, Manjit Singh had died about 6 years earlier; that Sandeep Singh son of Harinder Kaur had been residing in Canada; that Harinder Kaur used to reside all alone; that in May 2014 Sandeep Singh had come from Canada to visit his mother, his ring ceremony function was solemnized on 19.05.2014 at Phagwara, he had been engaged with Anchalpreet daughter of Rajinder Singh Kahlon resident of Amritsar, thereafter Sandeep Singh left for Canada, while in India he used to talk with Anchalpreet on telephone, however, they picked up a quarrel; that father of Anchalpreet refused to marry her with Sandeep Singh, both the parties agreed to return gifts given to each other at the time of ring ceremony; that relatives of Anchapreet residing in Canada had taken back ring from Sandeep Singh in Canada, remaining articles were to be returned in a day or two; that on the fateful day at about 7:40 p.m. the complainant was informed by his elder sister that she had received a call from neighbour of Harinder Kaur that Harinder Kaur had been injured by some un-known person(s) and thrown in the said condition in the kitchen; that the complainant along with his sister Varinder Kaur and nephew Savneet Singh reached there and saw that Harinder Kaur was lying in kitchen soaked with blood; that Harinder Kaur was removed to Civil Hospital Khanna, where she was declared brought dead; that complainant informed the police, formal FIR was registered. The case was investigated, accused were arrested in this case. After completion of investigation and other formalities challan against the accused were prepared and filed in the Court. Now the accused are facing trial. One of such accused namely Harchet Singh @ Chetu has approached trial Court for grant of regular bail, but his such request was dismissed, as

such he has approached this Court with similar request.

Notice of the petition was given to the State.

I have heard learned counsel for the petitioner, learned State counsel, besides going through the file.

As per the custody certificate filed by the State counsel, the petitioner is involved in two other criminal cases, one bearing FIR No.179 dated 22.08.2017 under Sections 326, 506, 427, 148, 149 IPC, Police Station City Khanna. The other case in which he is involved is vide FIR No.23/2014 under Section 382 IPC, Police Station, Sadar Khanna.

Learned counsel for the petitioner has placed on file judgment delivered in aforesaid FIR No.23/2014 vide which accused had been acquitted, however, the reason for acquittal comes out to be that the material witnesses turning hostile, which goes to strengthen the apprehension expressed by the State counsel that if released on bail there are fair chances of petitioner trying to tamper with prosecution evidence by giving threats and inducements to the prosecution witnesses. The other apprehension expressed by him that if granted bail such petitioner may abscond cannot be brushed aside. The petitioner is also shown to have granted bail in aforesaid FIR No.179 dated 22.08.2017 but that does not strengthen his case for grant of regular bail in this case. Though the petitioner is not named in the FIR, but then FIR is not substantive piece of evidence and its only purpose is to set criminal machinery into motion. It is only during investigation of the case that the identity of the criminals committing the crime and role played by each one of them becomes clear.

In the instant case, on the basis of the statement made by accused Manjinder Singh, accused Mohd Irfan alias Mohd. Jamal Ansari

alias Shankar Irfan, Manjot Singh, Harchet Singh alias Chetu and Narinder Singh alias Ghudu were nominated. Accused Manjot Singh and Harchet Singh alias Chetu were arrested on 28.12.2017 while being interrogated Harchet Singh alias Chetu had got recovered a bloodstained Deh which was taken into possession by the police and is said to have been sent to Forensic Science Laboratory for examination, samsung Mobile of deceased as well as bank passbook are also said to have been recovered from the possession of the petitioner. As per report received from Forensic Science Laboratory, said Dah recovered from the possession of the petitioner was found to be stained with human blood. This is so mentioned in the order passed by Additional Sessions Judge, Ludhiana. Therefore, participation of the petitioner in the crime comes out to be there. No case for grant of regular bail to him is made out.

The petition stands dismissed, however while parting with discussion, the trial Court is directed to complete the trial expeditiously by giving short adjournments.

30.10.2017

Gaurav Sorot

**(H.S. MADAAN)
JUDGE**

1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**