

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

CRM-M No.35625 of 2016 (O&M)

Date of decision: 17th February, 2017

Prem Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Naresh Jain, Advocate for the petitioner.

Mr. Gurinderjit Singh, Dy. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J.

Allegations against the petitioner Prem Kumar in this petition filed under Section 439 Cr.P.C. seeking regular bail in case FIR No.112 dated 08.07.2015 registered at Police Station City Kotakpura, District Faridkot under Sections 302/201/120-B/34 IPC, are that on 26.06.2007 one Harinderpal had taken away Narinder Singh (now deceased) husband of the complainant who also was employed with him and when the latter never returned back, no whereabouts could be made out and it was suspected that Harinderpal @ Ranga, present petitioner Prem Kumar, Jaspal Singh and Kewal Singh have conspired and murdered the deceased as sister of the complainant was married with the petitioner and there was a dispute as Prem Kumar had suspicion that complainant and her husband were interfering in the matrimonial affairs of the petitioner and that

Narinder Singh was also having illicit relationship with his wife, leading to registration of the present case on 08.07.2015. It was during the police interrogation the accused is alleged to have got recovered certain articles comprising bracelet etc. of the deceased.

Contentions of the learned counsel for the petitioner are that it was on 19.04.2006 the deceased was disowned by the family, occurrence took place on 26.06.2007 whereas the missing report was filed on 12.07.2007 and the FIR was got registered on 08.07.2015, after an inordinate delay and there is no tangible evidence to link the petitioner with the commission of offence as it is more based on suspicion and recovery of the alleged articles on the disclosure statement of the accused petitioner are too remote in time.

The bail application is stoutly opposed by learned State counsel on the grounds that the petitioner is instrumental in disappearance of the deceased and thus, he is not entitled to concession of bail.

Appreciating the submissions, the co-accused Jaspal Singh has been allowed the same relief vide orders dated 26.09.2016 as has been canvassed by learned counsel for the petitioner and that the delay of almost eight years in lodging of the FIR and there being a weak evidence to allegedly link the petitioner with the commission of offence and that the petitioner is in custody since 08.07.2015 together with the fact that the trial will take a long time to conclude, this Court is of the opinion that

further detention of the petitioner in the present case is unwarranted.
Accordingly, he is ordered to be released on regular bail to the
satisfaction of Chief Judicial Magistrate/Duty Magistrate, Faridkot.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

February 17, 2017

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No