

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

**CRM-M No.45975 of 2016
Date of Decision:28.03.2017**

Rajvinder @ Reji

.....Petitioner

Versus

State of Punjab

... Respondent

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Bahadur Singh Sohal, Advocate
for the petitioner.

Mr. Shilesh Gupta, Additional AG, Punjab.

RAJ MOHAN SINGH, J.

[1]. Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.02 dated 05.01.2014 registered under Sections 302/201/34 IPC at Police Station City Kharar.

[2]. The FIR was registered on the basis of statement of Shamsher Singh Numberdar. Complainant alleged that he is owner of an agricultural land and is running a farm. On 05.01.2014, when he was making a round of his fields, he saw a dead body of unknown person lying towards the south of the road. The owner of the adjoining fields namely Bahadur Singh was also found inspecting his fields. He was accordingly called and police was informed.

[3]. Learned counsel for the petitioner contended that the petitioner was not named in the FIR and he has been implicated along with other co-accused Amandeep Kaur, his wife and Darshan Kumar @ Kala by the family of the deceased. According to postmortem report of the dead body, no poison was detected in the viscera and there was no injury on the person of the deceased. It was a case of natural death. Learned counsel further contended that the entire case hinges upon extra judicial confession of the petitioner before Kulwant Singh Ex.-Sarpanch (PW9) who has been declared to be hostile by the prosecution. Similarly, Munish Kumar the alleged independent witness also did not support the prosecution case. The allegations against the petitioner are that he along with his servant Darshan Kumar @ Kala had helped the main accused Amandeep Kaur, his wife to dispose of the dead body in the nearby fields of village Badala, who had died due to suffocation on being locked in a wooden box. The allegations of locking the deceased in a wooden box are against Amandeep Kaur who is in custody.

[4]. Apparently, on receipt of dead body for identification of the same, publication was issued. On 14.01.2014, Anoop Singh and Jagroop Singh met with Inspector and identified the dead body with the help of photographs and clothes to be that of

Harpreet Singh @ Happy son of Jagdev Singh. On the basis of their statements, Amandeep Kaur and her husband i.e. petitioner were nominated as accused. It was *prima facie* found that Amandeep Kaur was having illicit relations with deceased Harpreet Singh @ Happy. Thereafter, Darshan Kumar @ Kala was also nominated as an accused. The charges have already been framed against Amandeep Kaur in furtherance of common intention of co-accused Rajwinder Singh @ Reji and Darshan Kumar @ Kala.

[5]. Learned State counsel on instructions from Investigating Officer submitted that the allegations made against the petitioner are that of destroying evidence in terms of Sections 201/34 IPC. Though there was no role in the conspiracy to commit murder of the deceased by locking him in a wooden box, but certainly petitioner is accused of offences under Section 201/34 IPC who have thrown the dead body in order to dispose of the same for saving themselves from the punishment.

[6]. Taking into consideration the fact that the entire prosecution evidence has been led and the case is fixed for recording statement of the accused under Section 313 Cr.P.C on 31.03.2017, I do not consider to enlarge the petitioner on regular bail at this stage, however liberty is granted to the

petitioner to file fresh application for grant of bail in case the trial prolonged on account of further delay on the part of prosecution.

[7]. Dismissed.

28.03.2017
prince

(RAJ MOHAN SINGH)
JUDGE

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No