

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**1. CRM-M-9246 of 2017
Date of Decision: 22.11.2017**

Sonu Bishnoi

....Petitioner

VERSUS

State of Punjab

....Respondent

2. CRM-M-21851 of 2017

Indraj

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. S.P.S. Sidhu, Advocate
for the petitioner in CRM-M-9246-2017.

Mr. Ashok Kumar Khungar, Advocate and
Mr. Piyush Sharma, Advocate
for the petitioner in CRM-M-21851-2017

Mr. C.L. Pawar, Sr. D.A.G., Punjab.

SURINDER GUPTA, J.

Present petitions have been filed under Section 439 Code of Criminal Procedure for grant of regular bail to petitioners in case FIR No.56 dated 09.06.2016 registered for the offence punishable under Section 302 read with Section 34 of Indian Penal Code (for short, "IPC") at Police Station Bahaw Wala, District Fazilka.

FIR in this case was registered on the statement of Prem Kumar. As per allegations in the FIR, Prem Kumar was married with Geeta, who was an open minded lady. Complainant and his brother Bhoop Parkash being of conservative nature were not approving her habits, which has

resulted in dispute between Geeta and Bhoop Parkash, brother of complainant. Geeta used to converse with Sunil @ Girdhari son of Om Parkash, resident of Suratgarh on telephone without permission and consent of complainant. They have also developed illicit relation to which complainant and his brother objected. On the night of 25.05.2016, Bhoop Parkash was found missing from his house and his dead body was traced on 28.05.2016 in the area of Police Station Chunavatt (Rajasthan). The police conducted proceedings under Section 174 Cr.P.C. and handed over dead body to complainant, who later came to know that his brother had been killed by his wife and her lover Sunil @ Girdhari in connivance with his friends.

Learned counsel for petitioners submit that it is a case of blind murder. Circumstantial evidence against petitioners is the last seen evidence and statement of Pirthi Ram, who appeared in this case as PW-1 but has not supported the prosecution version. The police has also recorded extra-judicial confession of petitioner Om Prakash and Hartej Singh. Om Parkash is father of main accused Sonu (petitioner in CRM-M-9246-2017), who has since died and any confession made by co-accused before his father is not admissible in evidence.

Learned State counsel has argued that the prosecution has so far examined five witnesses out of whom two witnesses supported the case of prosecution and named petitioners. The witnesses of extra-judicial confession, namely, Om Parkash and Hartej Singh are yet to be examined. It is a case based on circumstantial evidence and release of petitioners on bail will provide them opportunity to prevail upon the prosecution witnesses and tamper with its evidence.

In a case of blind murder, the police has to rely on circumstantial evidence. Testimony of Om Parkash and Hartej Singh is relevant for the prosecution to prove its case, who are yet to be examined.

Keeping in view above facts, gravity of offence and that two witnesses examined by the prosecution are stated to have supported the prosecution version, I find no merit in these petitions at this stage and the same are dismissed.

November 22, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No