

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.205

CRM-M-10131-2018
Date of decision : 14.12.2018

Lakhwinder Singh @ Bittu

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. K.S. Brar, Advocate, for the petitioner.

Mr. K.S. Sidhu, DAG, Punjab

SUDHIR MITTAL, J. (Oral)

At the very outset, learned State counsel submits that Virinder Singh has still not been examined as he has not put in appearance and non bailable warrant of arrest has been issued against him.

This is the third petition for grant of regular bail in case FIR No.46 dated 26.6.2016, registered at Police Station Talwandi Chaudharain, District Kapurthala, under Sections 302, 201, 120-B, 506, 34 IPC.

A perusal of the FIR shows that the wife of the petitioner namely Sandeep Kaur went missing from her parental house where she was staying on account of matrimonial dispute with the petitioner. Her father got the FIR registered since, he suspected that the petitioner alongwith his accomplice had killed her.

Learned counsel for the petitioner submits that the petitioner has been in custody since 28.6.2016. The trial is not likely to be concluded

at an early date because out of 24 PWs, 03 PWs have been examined till

date. The body of Sandeep Kaur has not been recovered till date and therefore, it cannot be said that the petitioner had murdered her. There is no criminal case pending against the petitioner and thus, he may be released on regular bail.

Learned State counsel opposes the prayer for bail on the ground that the petitioner is the main accused in this case. The factual submissions of learned counsel for the petitioner are however, not controverted.

The petitioner has sought bail on two occasions earlier. Vide order dated 23.8.2017, the second bail application was rejected, but liberty was granted to the petitioner to seek regular bail after the material private witnesses mentioned in the order, had been examined. As on date, except for one witness namely Virinder Singh, the others stand examined. Said Virinder Singh is absconding and non-bailable warrant of arrest has been issued against him. Thus, the non-examination of Virinder Singh is on account of reasons beyond the control of the petitioner and he cannot be made to suffer on account of the same. The petitioner has been in custody for almost 2 ½ years now and the trial is nowhere near completion. Virinder Singh is allegedly the owner of the car borrowed by the petitioner for taking deceased Sandeep Kaur from her parental house and thus, his evidence would only be corroborative in nature. Further, since he is absconding, it is unlikely that the petitioner would be able to get in touch with him so as to prevail upon him to depose against the prosecution.

For the aforementioned reasons, I deem it appropriate to allow this petition. Accordingly, the petition is allowed and

petitioner-Lakhwinder Singh @ Bittu, is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

(SUDHIR MITTAL)
JUDGE

14.12.2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No