

IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH

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Date of decision: 14.03.2018

CRM-M-1059-2018

Gurpreet Singh @ Laddi

...PETITIONER

VS.

State of Punjab

...RESPONDENT

CRM-M-4098-2018

Lovepreet Singh @ Manga

...PETITIONER

VS.

State of Punjab

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Kuldeep V. Singh Ahluwalia, Advocate,
for the petitioner(s).

Mr. Kuldeep Singh, Sr. Deputy Advocate General, Punjab,
for the State.

Mr. Gurpreet Singh Dhillon, Advocate,
for the complainant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

By this order, I propose of dispose of CRM-M-1059 of 2018 titled as Gurpreet Singh @ Laddi vs. State of Punjab and CRM-M-4098 of 2018 titled as Lovepreet Singh @ Manga vs. State of Punjab, where the petitioners, who are accused in FIR No. 138 dated 11.08.2017 under Sections 302/201/34 IPC registered at Police Station Mehatpur, District Jalandhar and were taken into custody on 19.08.2017, are seeking regular bail.

It is the contention of the learned counsel for the petitioners that as per the FIR itself dated 11.08.2017, the incident is alleged to have taken place on 04.08.2017. He contends that as the allegations, on

04.08.2017, everyone was sleeping and the younger son of the complainant Harvinder Singh @ Kaka was found dead in the morning lying on his cot with blood coming out of his mouth. They cremated their son and on 11.08.2017, the date of registration of the FIR, when the complainant along with others opened the almirah/cupboard of their daughter-in-law Kiranjot Kaur, they found one T-shirt containing blood along with two strips of tablets and some tablets having taken out apart from one empty bottle of spas. One more dirty cloth and one chunni was also found there. Kiranjot Kaur was when asked for explanation, she made an extra-judicial confession that on 04.08.2017, at about 12.00 at night, Rakesh Kumar @ Keshi, Lovepreet Singh @ Manga and Gurpeet Singh @ Laddi, all sons of Balwant Singh, had come to their house and with their assistance, Harvinder Singh was strangled and gagged to death. She had given sleeping pills to the family members, because of which, no one could notice the act being committed. He contends that except for the extra-judicial confession as far as the petitioners are concerned, no connection between the petitioners and the commission of offence is made out and even going by the allegations in the FIR, the extra-marital relationship, if any, was between Kiranjot Kaur and Rakesh Kumar @ Keshi, who is the elder brother of these two petitioners, and it is for this reason that the petitioners have been falsely implicated in the case. He contends that the charge has been framed on 05.01.2018 after the submission of the challan and till date, none of the witnesses has been examined out of the total 22 cited witnesses. He, thus, prays for grant of regular bail.

Learned counsel for the complainant as also the learned counsel for the State have vehemently argued that the recovery of mobile phones

have been effected from Kiranjot Kaur and Rakesh Kumar @ Keshi but on a categorical question put by this Court, learned counsel for the State, on instructions from ASI Ram Singh, Police Station Mehatpur, District Jalandhar, states that no call connection has been found. He, however, states that recovery of a *Karad* has also been effected from Rakesh Kumar @ Keshi, which was used to cut the undergarments and the T-shirt of the deceased. He, on this basis, contends that the petitioners are directly involved in the commission of offence and they may not be granted the concession of regular bail.

Having considered the submissions made by the counsel for the parties and keeping in view the fact that the incident is of 04.08.2017 whereas the FIR has been registered on 11.08.2017 with a further aspect that except for the extra-judicial confession and that too, of the co-accused Kiranjot Kaur, no connection whatsoever has been found between the petitioners and the commission of offence, there being no direct attribution to them, no recovery effected from them and the trial is not likely to conclude in near future as none of the witnesses have been examined out of 22 cited witnesses, the present applications are allowed. Petitioners are directed to be released on bail to the satisfaction of the trial Court, Jalandhar.

Any observations made herein above shall have no bearing on the merits of the case in any manner.

March 14, 2018*pj***(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No
Whether Reportable : Yes/No