

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

CRM-M No.13009 of 2018

Decided on: 19.04.2018

Gurmukh Singh @ Ghilu

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Manbir Singh Basra, Advocate
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

Mr. Vipin Mahajan, Advocate
for the complainant.

TEJINDER SINGH DHINDSA, J. (Oral)

Petitioner seeks benefit of regular bail pending trial in case FIR No.61 dated 14.12.2016, registered under Sections 302, 364, 34 IPC, at Police Station City Kalanaur, District Gurdaspur.

Initially, FIR came to be registered under Section(s) 364, 34 IPC on the statement of Rajinder Kaur as regards her husband namely Jaswinder Singh having gone missing. As per version of the complainant, the present petitioner had taken ₹ 60,00,000/- from her husband, which was not being returned. On 11.12.2016, a mobile call had been received

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by her husband from the petitioner while at home and thereafter, Jaswinder Singh informed the complainant that he was going to meet Gurmukh Singh (petitioner). At the time of lodging the missing report, complainant voiced a clear suspicion against the petitioner as also against co-accused Charanjit Singh @ Chana to the effect that Jaswinder Singh had been kidnapped with an intention to avoid repayment of the debt.

Body of Jaswinder Singh was retrieved from a canal on 19.12.2016 and consequently offence under Section 302 IPC was added.

Petitioner was arrested on 19.12.2016 itself.

That apart from the suspicion voiced by the complainant against the petitioner, prosecution is relying upon the disclosure statement of the petitioner as also co-accused Charanjit Singh Channa.

The evidentiary value of the disclosure statement suffered by the petitioner would be a question to be dealt with by the trial Court.

Undoubtedly, motive attributed by the complainant is against the petitioner as regards a loan of Rs.60,00,000/- taken by him from the deceased being not returned.

Counsel for the petitioner has made an attempt to demolish the motive aspect by adverting to the deposition of the complainant Rajinder Kaur, who in her cross-examination has stated that her husband was owner in possession of approximately 2-3 *killas* of land which had also been mortgaged in the recent past for a sum of Rs.5,00,000/-. It is the contention and submission raised that deceased Jaswinder Singh did not even have means to advance such a heavy loan amount of Rs.60,00,000/-.

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This Court would desist from making any observation as regards such submission advanced, lest the same influence the course of trial on merits.

Concededly, the material witness Rajinder Kaur as also Amrik Singh i.e. brother of the deceased have been examined.

No useful purpose would be served by keeping the petitioner in custody till the culmination of trial.

Petitioner has already faced incarceration for a period of 1 year and 4 months approximately.

Offence under Section 302 IPC, if at all made out, would be a question to be dealt with by the trial Court.

It is a case of circumstantial evidence.

Without making any observations on merits, petitioner is held entitled to the benefit of bail.

Petition is allowed.

Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate concerned.

Disposed of.

[TEJINDER SINGH DHINDSA]
JUDGE

April 19, 2018
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Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No