

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

CRM-M-27473-2017

Date of decision:-21.5.2018

Gurdev Singh @ Debu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr. H.S. Jakhal, Advocate
for the petitioner.

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

H.S. MADAAN, J.

This petition for regular bail has been filed by Gurdev Singh @ Debu – an accused in FIR No.108 dated 8.8.2016, under Sections 302/34 ICP, registered at Police Station Sadar,Fazilka, District Fazilka.

Briefly stated, the facts of the case as per prosecution version are that the FIR in question was recorded on the basis of statement of complainant Chhinder Singh son of Teja Singh of Rai Sikh community, resident of Dhani Mohna Ram, Police Station Sadar, Fazilka, aged about 32 years, wherein he stated that he has been working as a labourer; that his sister Reena Rani has got married with Manpreet Singh son of Chiman

Singh, resident of Bahek Khas that 10-15 days earlier but due to some quarrel, she returned to her parental house; that about 6-7 days earlier, Teja Singh – father, Mahinder Singh – brother of complainant along with Chamkor Singh and other relatives went to religious place of Baba Wadbagh Singh in Himachal Pradesh, whereas Paramjit Kaur, mother of complainant and his two sisters along with younger brother Sonu stayed at home; that the house of his father is about 40-50 karams away; at about 12:30 after midnight when the complainant was asleep along with his family in his house then his sisters Gurmeeta and Reena came running there and told that three unidentified persons had broken into their house, who were strangulating the neck of their mother; that the complainant accordingly rushed to his parents house, then three unidentified persons went away; that when the complainant reached his parents house, he saw that his mother Paramjit Kaur was lying unconscious on the bed; that those three unidentified persons had killed mother of the complainant as stated by him in his statement to the police. After registration of the FIR, the matter was investigated. The accused was nominated in this case on statement of Kala Singh and Shingara Singh. The petitioner was arrested in this case on 9.8.2016. As per the case of the prosecution, one gold locket, one Adhar card, a black wallet and a gold ring of deceased had been recovered from the petitioner. The petitioner had moved an application for regular bail, which was dismissed by learned Additional Sessions Judge, Fazilka vide order dated 20.3.2017, as such, he has approached this Court asking for similar relief.

Notice of the petition was given to respondent – State and

counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record.

Though the petitioner is not named in the FIR but the FIR is not encyclopaedia where the details of the incident are required to be entered. Furthermore, FIR is not a substantive piece of evidence and its only purpose is to set the criminal machinery in motion. It is only during investigation after registration of the FIR that the investigating agency probes the matter and find out as to whether any cognizable offence is disclosed against the accused. As per the case of the prosecution, when the petitioner was nominated in this case, he was arrested and articles belonging to deceased had been recovered from his possession, which shows his involvement in this case. The trial with regard to FIR in question is going on, which is likely to be concluded in near future. The guilt of the petitioner shall be determined during the trial. Such type of person does not deserve concession of regular bail since there is every likelihood of his taking to path of crime again and trying to influence the prosecution witnesses and even absconding, if granted bail.

Thus, finding no merits in the petition, the same stands dismissed.

21.5.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No