

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

CRM M-36669 of 2016

Date of decision : 22.05.2018

Munish Saharan

...Petitioner

V/s

State of Punjab

...Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. J.S. Bedi, Sr. Advocate with
Mr. L.S. Chahal, Advocate for the petitioner.
Mr. A.A. Pathak, Additional A.G. Punjab.
Ms. Harminder Kaur, Advocate for
Mr. P.S. Punia, Advocate for the complainant.

RAJAN GUPTA J.

Petitioner seeks concession of regular bail in a case registered against him under sections 364, 302, 201 & 120-B IPC vide FIR No. 32 dated 22.03.2012 at police station Sadar, Ludhiana. It was urged before the court that there is absolutely no evidence to connect the petitioner with the crime. Deposition of number of witnesses were referred to contend that there is nothing to show that petitioner had played any role in murder of Pardeep Singh. Learned State counsel opposed the plea. According to him, it was a case of honour killing. Learned counsel appearing for the complainant submitted that petitioner was the maternal uncle of the girl. According to tower location, petitioner was near the place of occurrence at the relevant time. Ten injuries were found on the head of the deceased. During investigation, an iron strip was also recovered from the petitioner.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

Case was initially registered on the complaint of Kuldeep Singh

@ Manak. He stated that his son Pardeep Singh @ Happy was studying in

Sacred Sail Convent School in 8th standard and was having affair with a girl namely Chandana @ Issa daughter of Jagdish Kumar, Ludhiana. She was studying in B.C. M. School. She had even visited the village of the complainant. They used to talk to each other on phone. On 21.03.2012 at about 12:40 P.M., someone knocked on the door. Complainant's wife opened the door. 4/5 youths forcibly entered the house. They were carrying sticks (dandas). They dragged Pardeep to a car and took him away. Complainant's wife and elder son Talwinder Singh chased them. Some people gathered on the spot but they succeeded in fleeing. Complainant suspected that his son had been abducted by Jagdish Kumar and other accused. Later dead body of abducted youth was found. Offence under section 302 IPC was, thus, added in the FIR.

Keeping in view the magnitude of the crime, manner in which it has been committed and the punishment it would entail in case of conviction, I am of the considered view that petitioner is not entitled to concession of bail. Specific motive is alleged for commission of crime, petitioner being maternal uncle of the girl. Recovery of iron strip was also effected from him. Plea of the petitioner that deposition of prosecution witnesses does not connect the petitioner with the crime can be analysed by the trial court at the appropriate stage. Petition is, thus, without any merit and is hereby dismissed.

May 22, 2018

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No