

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM M-10212 of 2019

Date of Decision: March 13, 2019

Parkash Singh

.....Petitioner

Versus

State of Punjab

.... Respondent

**CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**

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

Mr. Avtar Singh Sandhu, Addl. A.G., Punjab.

Mr. P.S. Ahluwalia, Advocate  
for the complainant.

**FATEH DEEP SINGH, J. (Oral)**

This order shall dispose off regular bail application under Section 439 Cr.P.C. moved in FIR No. 198 dated 20.12.2015 under Sections 306, 201, 202, 203, 204. 465. 471. 468, 120-B, 2017 and 218 IPC registered at Police Station Civil Lines Batala, Police District Batala, District Gurdaspur.

The brief facts of the case are as follows:-

“Complainant Balwinder Kaur made a complaint that her sister Paramjit Kaur (since deceased) during the course of

her business activities about four years prior to the registration of the present case had given Rs.36,00,000/- to one Kulwinder Singh for the purposes of constructing a road. Ravinderpal Singh husband of deceased Balwinder Kaur who works in England as well as her son and daughter-in-law who are residing in Canada had remitted this amount from abroad. It is alleged that after receiving money Kulwinder Singh started demanding more money and another sum of Rs.55,50,000/- was paid after borrowing by the deceased out of which Rs.22,00,000/- was given by the complainant besides by other relatives. When Kulwinder Singh refused to undergo his obligation and even refused to return the amount and on account of this deception, they had compelled the deceased to consume poisonous substance leading to her death.

It is during the course of investigations, statement of deceased Paramjit Kaur by way of dying declaration was got recorded by the police. In the dying declaration, the deceased had named Balwinder Singh and Davinder Singh and Davinder Singh's wife. However, during the course of investigation, the petitioner who happened to be Incharge of the Police Post concerned and entrusted with investigations in connivance with co-accused for extraneous reasons

destroyed the suicide note and in place forged and fabricated second suicide note was prepared to derail the investigation of the deceased with an ulterior motive to help the accused named therein. Departmental inquiries were also held against the police officials guilty of such a misconduct. The petitioner was declared as proclaimed offender on 16.08.2018 and was apprehended subsequently”.

Mr. K.S.Kehlon, learned counsel for the petitioner contends that there is no direct evidence to connect the petitioner with the commission of the offence as he was never associated in any manner with the suicide note nor anything has been recovered at his behest. It is argued with much force and vehemence that the petitioner is behind the bars since a long time and that the trial is not likely to be concluded in near future and prayed for grant of the bail.

Mr. Avtar Singh Sandhu, Addl. A.G., Punjab assisted by Mr. P.S. Ahluwalia, counsel for the complainant has opposed the grant of the bail on the grounds that the accused being the Investigating Officer has destroyed the evidence so collected at the investigations with an ulterior motive to help the accused and destroyed the evidence and in stead has prepared another forged suicide note and reports have been received from the concerned laboratory as to this forgery arguing that if petitioner is allowed bail being police official would influence the witnesses and stifle the trial. In short, dismissal of the bail application is prayed.

Going through the submissions as is there before this Court and the facts emanating from the records the accused/petitioner who happens to be from the police force and admittedly entrusted with the investigations has belied the faith of the system reposed in him in conducting fair and impartial investigations. The allegations of having destroyed a vital piece of evidence being a suicide note claimed to be of the deceased with a purpose to shield the real culprits of the crime. The fact that the petitioner earlier absconded from the law and was declared a proclaimed offender are matters of much concern. The apprehension of the State that if allowed bail petitioner would influence the trial is not unwarranted.

In view of the seriousness of the allegations, no case for grant of bail is made out.

Dismissed.

March 13, 2019  
amit rana

(FATEH DEEP SINGH)  
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No