

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20129-2017 (O&M)
Date of decision: 27.03.2019

Narinder Singh and another

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. J.S. Dadwal, Advocate
for the petitioners.

Mr. Sidakmeet S. Sandhu, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.49 dated 22.03.2017 under Sections 302, 201, 34 IPC (added later on) and Section 346 IPC (deleted later on), registered at Police Station Division No.4, Ludhiana.

While granting interim bail to the petitioners, following order was passed by this Court on 07.06.2017: -

“.....Learned counsel for the State, on instructions from ASI Sheesh Pal, Police Station Division No.4, Ludhiana, submits that the evidence as of now collected against the petitioners is that there is a confession on the part of the husband of deceased, who is son of the petitioners, according to which he along with his parents had strangulated Priya, the daughter-in-law of the

petitioners and thereafter have thrown the dead body in the Abohar canal. His further contention is that there is a statement of Jagjit Singh @ Jaggi recorded under Section 164 Cr.P.C., who is friend of Kamaldeep Singh son of the petitioners, who was called by Kamaldeep Singh on phone to help him to dispose of the body of his wife Priya but on seeing the dead body, he refused to do so. He, therefore, contends that the petitioners may not be granted the concession of anticipatory bail.

I have heard the submissions made by the counsel for the petitioners as also the counsel for the State.

As per the FIR, there are no such allegations against the petitioners but only their names have been mentioned. That apart, the main accused namely Kamaldeep Singh has already been arrested and is in custody. Petitioners are ready and willing to join investigation and cooperate with the same. No recovery is to be effected from the petitioners.

List on 26.07.2017.....”

Thereafter, on various dates, on asking of the learned State counsel, the petitioners were re-directed to join the investigation and to hand over the mobile phones used by them. It was also stated by the learned State counsel that one of the prosecution witness was given threats by the petitioners.

Learned counsel for the petitioners submits that son of the petitioner i.e. Kamaldeep Singh, who is main accused in the FIR, is facing trial and all the material witnesses have already appeared and in the statements of PW1 Manu and PW2 Aarti, nothing has come against the petitioners, as it is deposed by PW2 Aarti that Kamaldeep Singh informed her on telephone that he has killed his wife. It is further submitted that even in the statement of PW Jagjit Singh @ Jaggi, a friend of Kamaldeep Singh, only allegation against the petitioners is that they helped him in disposing of the dead body. Learned

counsel further submits that till date, dead body has not been recovered and therefore, this part of the statement of PW Jagjit Singh @ Jaggi cannot be read against the petitioners at this stage.

Learned State counsel, on instructions from Inspector Daljeet Singh, has not disputed the factual position except that PW Jagjit Singh @ Jaggi has deposed against the petitioners in the trial faced by Kamaldeep Singh that they were part of the conspiracy, in which Kamaldeep Singh had disposed of the dead body of deceased Priya.

After hearing learned counsel for the parties, considering the fact that both the petitioners are parents of main accused Kamaldeep Singh; they were granted the concession of interim anticipatory bail on 07.06.2017 and in the meantime, in the trial being faced by co-accused Kamaldeep Singh, material witnesses have already deposed; there are no direct allegations against the petitioners regarding conspiracy of committing the offence under Section 302 IPC with main accused Kamaldeep Singh and also considering the fact that the petitioners are on interim anticipatory bail for a period of 01 year and 09 months and have joined the investigation, this petition is allowed and the order dated 07.06.2017 passed by this Court, vide which interim anticipatory bail was granted to the petitioners, is hereby made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

27.03.2019

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No