

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-12957-2019 (O&M)
Date of Decision:-8.5.2019

Gurdas Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Preetinder S. Ahluwalia, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.147 dated 7.10.2018 registered at Police Station Sadar Kharar, SAS Nagar (Mohali) under Sections 302, 201 and 34 of Indian Penal Code, 1860.

Short reply by way of affidavit of Sh. Deep Kamal, PPS, Deputy Superintendent of Police, Kharar has been filed by learned State counsel today in Court, which is taken on record.

The FIR was lodged at the instance of Harbans Singh, wherein it has been stated that he has two sons and two daughters and that her younger daughter Rajneet Kaur is a divorcee, who was working in Fortis Hospital, Mohali. It is alleged that on 6.10.2018, his daughter did not return back from work and despite having made efforts to trace her, she could not

be found. It is further alleged that her daughter had been meeting Jaswinder Singh for some time and that although the complainant tried to contact Jaswinder Singh, but he could not be contacted. Later upon seeing the dead-body of complainant's daughter in mortuary of Civil Hospital, Kharar, the complainant suspected that his daughter has been killed by Jaswinder Singh and his father Gurdas Singh by strangulating her.

It is further the case of prosecution that on 6.10.2018 at 10:40 P.M., when a police party was holding 'Nakabandi' on Kharar-Morinda Road, then a car bearing registration No.PH-11-CM-0094 was signaled to stop, which was being driven by Jaswinder Singh and in which the Gurdas Singh petitioner i.e. father of Jaswinder Singh was sitting on the rear seat. A search of the car led to recovery of a dead-body of a girl lying under the dashboard in front of passenger seat, which was later identified to be of Rajneet Kaur.

The learned counsel for the petitioner has submitted that the present case is mainly based on circumstantial evidence as far as the allegations of murder are concerned and that, in any case, the complainant Harbans Singh as well as the complainant's son who have been examined during the course of trial have absolutely resiled and have specifically stated that the petitioner or his son has nothing to do with the murder of complainant's daughter. The learned counsel for the petitioner has further submitted that the petitioner was discharged from Army on medical grounds and is presently aged about 71 years.

Opposing the petition, the learned State counsel has submitted that since in the present case, the petitioner and his son were found alongwith dead-body of complainant's daughter in a car on 6.10.2018 itself,

therefore, the said fact speaks for itself as regards the complicity of the petitioner in the crime. It has, however, been informed that the petitioner has been behind bars since the last more than 7 months and that all the material eye-witnesses as well as the investigating officer have already been examined.

Having considered rival submissions addressed before this Court and while bearing in mind the fact that the complainant has resiled from his statement and also that the petitioner is an aged man of 71 years, it would certainly be debatable as to whether the petitioner indeed had a hand in killing of complainant's daughter or as to whether he was only involved in disposal of the dead-body.

Bearing the aforesaid facts and circumstance in mind, in my opinion, it is a fit case for grant of bail, more particularly keeping in view the age of the petitioner. The petition, as such, is accepted and the petitioner Gurdas Singh is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

It is, however, made clear that none of the observations made above shall be construed to be an expression on merits of the main case.

The petition stands accepted accordingly.

8.5.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No