

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

CRM-M-22050-2019 (O&M)

Date of Decision:-22.5.2019

DEEPAK RAJU

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jasraj Singh, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

Petitioner Deepak Raju has filed this petition seeking grant of regular bail in respect of a case registered against him vide FIR No.80 dated 16.6.2017 under Sections 302, 201, 120-B and 34 IPC read with Sections 148 and 149 IPC at Police Station Bullowal, District Hoshiarpur.

The FIR was initially registered at the instance of Nirmal Kaur (later on arrayed as an accused), wherein she stated that she has three sons and a daughter. Two of her sons had gone to Kuwait and one had gone to Greece. She has further stated that her younger son Deepak Raju had come to India on 08.06.2017 on leave. It is alleged that her husband namely Madan Lal, aged about 60 years had retired from CISF about 5 years back and on 15.06.2017 he left home at about 10:00 p.m. on his motorcycle but when he did not return till night, she along with her son Deepak Raju and other neighbours looked for him. On the next day her husband Madan Lal

was found dead on a road and was bearing several injuries on his face, head and other parts of the body.

It is further the case of the prosecution that subsequently i.e. on 19.06.2017, the complainant Nirmal Kaur made a disclosure statement wherein she admitted that in fact her husband used to remain under depression and used to quarrel with the members of the family and sometime also used to give beatings to her as well as to her daughter Komal Raju. She further stated therein that she and her sons Deepak Raju and Princepreet Raju hatched a conspiracy to kill her husband and that pursuant to hatching of the said conspiracy Princepreet Raju had introduced Sukhdeep Singh to Deepak Raju and later Sukhdeep Singh introduced his friend Rashpal Singh to Deepak Raju so as to give effect to the conspiracy.

It is further the case of the prosecution that an amount of ₹1,50,000/- (One Lakh Fifty Thousand) was paid by Princepreet Raju to his brother Deepak Raju for the purpose of giving the same to the said two persons Sukhdeep Singh and Rashpal Singh for the purpose of getting their father murdered.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that he infact is stated to be implicated on the basis of circumstantial evidence mainly in the nature of "*last seen evidence*" in the shape of statement of one Amarjit Singh and also on the basis of call details stated to be between the petitioner and co-accused Sukhdeep Singh and Rashpal Singh. The learned counsel for the petitioner has submitted that the witness namely Amarjit Singh pertaining to the "*last seen evidence*" has been examined by the trial Court

wherein he has resided. It has further been submitted that in any case the co-accused Sukhdeep Singh and Princepreet Raju (brother of the petitioner) and also the mother of the petitioner have already been granted bail and in these circumstances, the petitioner also deserves the concession of bail on ground of parity.

Opposing the petition, the learned State counsel has submitted that the case of the petitioner is distinct from his brother Princepreet Raju as Princepreet Raju was not in India at the time of occurrence whereas the petitioner was very much in India. It has further been submitted that since the call details clearly show that the petitioner was actively conversing with the co-accused, therefore, his complicity in the crime is evident.

I have considered rival submissions addressed before this Court. The case in hand is based mainly on circumstantial evidence and one of the piece of evidence collected by the police is in the nature of "*last seen evidence*". However, the witness pertaining to "*last seen*" i.e. Amarjit Singh has been examined but has not supported the case of the prosecution. Three of the co-accused including the brother and mother of the petitioner have already been granted bail. The petitioner has been behind bars since the last 1 year and 11 months but till date the prosecution has examined only 4 PWs out of cited 27 PWs. The trial in its normal course is not likely to be concluded in immediate future. As such, no useful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted and the petitioner Deepak Raju is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

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

22.5.2019

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No