

**CRM-16898-2020 and
CRM-M-9280-2020 (O&M)**

[1]

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

**CRM-16898-2020 and
CRM-M-9280-2020 (O&M)
Date of Decision : 23.07.2020**

Sourav @ Sourabh Vohra.....Petitioner

Versus

The State of Punjab..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

...

(Through video conferencing)

**Present: Mr. Charanjit Singh Bakshi, Advocate
for the petitioner.**

Mr. H.S.Sullar, DAG, Punjab.

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MANJARI NEHRU KAUL, J. (Oral)

CRM-16898-2020

This is an application for pre-ponement of date in the main case from 25.09.2020.

For the reasons mentioned in the application, the same is allowed and the main case is preponed to today.

CRM-M-9280-2020

Prayer in this petition is for grant of regular bail to the petitioner in FIR No. 42 dated 13.04.2015 under Sections 420, 302, 120-B, 364-A, 384 IPC (Section 302 IPC deleted), registered at Police Station Civil Lines, Batala, District Gurdaspur.

Learned counsel contends that a false and fabricated case has

been foisted upon the petitioner which is evident from the perusal of the contents of the FIR wherein the complainant Simranjit Kaur wife of deceased Balwinder Singh had stated that her deceased husband had gone to Malaysia with one Bhupinder Singh. It was from said Bhupinder Singh she learnt as to how her deceased husband had been duped by co-accused Jagbir Singh @ Rajinder Singh @ Rinku with the allurement of sending him to U.S.A. via Malaysia and further it was at the instance of said Jagbir Singh and Jaipal Trehan, the petitioner had subjected her deceased husband to physical and mental cruelty resulting in his death. The learned counsel further contends that the petitioner was not named in the FIR in question and in fact all the allegations were levelled against Jagbir Singh @ Rajinder Singh @ Rinku who has since been acquitted by the learned court vide judgment dated 28.09.2018. He further contends that it is not the case of the complainant that the petitioner had ever contacted her deceased husband or duped him on the pretext of sending him abroad. In fact, the petitioner had left India on 12.10.2014 for Malaysia and it was only on 10.12.2017 that he visited India for a brief period. It was on 11.07.2019 when he again visited India that he came to know about his implication in the FIR in question and he immediately surrendered before the court of Illaqa Magistrate on 26.09.2019. Learned counsel has further referred to Annexure P1 which is a statement made by Bhupinder Singh before the Royal Malaysian Police wherein he has categorically stated that on the morning of 7th April 2015 one of the persons who was guarding him and the deceased in Kuala Lumpur left them alone in the room. Taking advantage of the same, both he and the deceased immediately locked the room from inside and succeeded in escaping through the window by coming down from the balcony of the

apartment where they had been confined. While they were coming down from the balcony of the said apartment, the deceased slipped and fell down leading to his immediate death. In fact, the learned counsel has submitted that the said Bhupinder Singh also received injuries while coming down from the said balcony and fractured his left leg. It was therefore urged by the learned counsel that it was evident that the petitioner had no role whatsoever in the death of the husband of the complainant. So much so, the name of the petitioner did not find mention even in the statement (Annexure P1) of Bhupinder Singh made before the Royal Malaysian Police. The learned counsel further contended that the petitioner has been in custody since 26.07.2019 and due to the outbreak of the pandemic COVID-19, the trial is unlikely to conclude in the near future.

Notice of motion.

On the asking of the court, Mr. H.S.Sullar, DAG, Punjab, accepts notice on behalf of the State. An advance copy of the petition has already been supplied to him. The learned State counsel, on instructions from ASI Manbir Singh, has apprised this Court that charges have been framed against the petitioner. However, further proceedings have not yet commenced before the trial court on account of the outbreak of the pandemic COVID-19.

Heard.

In view of the submissions made by the learned counsel and keeping in view that the petitioner has been in custody since 26.07.2019, no useful purpose would be served by keeping the petitioner behind bars as the trial is unlikely to conclude in the near future. I deem it a fit case to grant the concession of regular bail. The petition is allowed and the petitioner is

admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that any observation made herein above shall not be construed as an expression of opinion on the merits of the case.

23.07.2020
rupi/j.ram

(MANJARI NEHRU KAUL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No