

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

Sr. No.207

**CRM-M-13923-2020 (O&M)  
DATE OF DECISION: 17.09.2020**

**HARDEEP SINGH**

**..PETITIONER**

**VERSUS**

**STATE OF PUNJAB**

**...RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL**

Present: Ms. Manpreet Ghuman, Advocate, for the petitioner.  
Mr. Randhir Singh Thind, DAG, Punjab.

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**SUDHIR MITTAL, J. (ORAL)**

**CRM-23195-2020**

This application has been filed for placing on record a copy of  
challan as Annexure P-2.

Notice of motion.

Mr. Randhir Singh Thind, DAG, Punjab accepts notice and has  
no objection in case the same is allowed.

Accordingly, the application is allowed and a copy of challan is  
taken on record as Annexure P-2.

**CRM-M-13923-2020**

The petitioner seeks grant of regular bail in case FIR No. 391  
dated 12.09.2018 registered at Police Station City Barnala, District Barnala,  
under Sections 302 and 506 IPC.

The FIR was registered on the complaint of one Gurmeet Singh  
@ Jeet after the dead body of his daughter was recovered from the house of  
the petitioner.

**CRM-M-13923-2020 (O&M)**

Learned counsel for the petitioner argues that 05 more PWs remain to be examined and the same may not happen at an early date on account of on-going covid-19 pandemic. The petitioner has been in custody for almost 02 years and there is no other criminal case pending against him. Moreover, from a perusal of the challan, it is evident that the police has not collected any evidence regarding the alleged relationship between the petitioner and the deceased. No call detail records have been obtained and examined. The alleged recovery of 'chunni' made on the disclosure of the petitioner has been planted as is evident from the postmortem report wherein, the 'chunni' has been found on the dead body itself. The house from where the dead body was recovered although owned by the petitioner is used by him only for storage of fodder and agriculture machinery. In view of these facts as well as the fact that all the private witnesses stand examined, the petitioner may be granted regular bail.

Custody certificate received by the office of Advocate General, Punjab under the covering letter dated 16.09.2020 has been produced in Court. The same is taken on record. According to this certificate, the petitioner has undergone actual custody of 01 year, 11 months and 23 days and there is no other criminal case pending against him.

Learned State counsel objects to grant of bail on the ground that there is no explanation for recovery of the dead body from the house of the petitioner. According to him, the same is a crucial fact pointing to his guilt.

In my view the fact that the body of the deceased was recovered from the house of the petitioner cannot be wished away. Although, there is

**CRM-M-13923-2020 (O&M)**

no satisfactory explanation forthcoming, learned counsel for the petitioner has succeeded in creating a doubt in my mind on the basis of her argument that there is no evidence on record regarding any relationship between the petitioner and the deceased. The postmortem report records the presence of the 'chunni' on the dead body of the deceased which is at variance with recovery of 'chunni' by the police on the disclosure of the petitioner. The petitioner has been in custody for almost 02 years and the trial is not likely to be concluded at an early date, thus, he deserves the concession of regular bail.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

It is however made clear that nothing stated hereinabove shall be deemed to be an opinion on the merits of the case.

**17.09.2020**

*Ankur*

**(SUDHIR MITTAL)**  
**JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No