

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

Crl. Misc. M-16266 of 2020
Date of decision: 15.07.2020

205

Lakhvinder Singh

....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Ranjan Lakhanpal, Advocate,
for the petitioner.

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

(Proceedings are conducted through video
conferencing as per instructions).

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks regular bail in a petition filed under Section 439 Cr.P.C. in FIR No. 213 dated 18.09.2019 under Sections 302, 201, 202, 120-B of IPC and Sections 27/54/50 of the Arms Act, 1959 registered at P.S. Raman, District Bathinda.

Counsel for the petitioner has contended that as per the statement of the complainant Harpal Singh, the father of the deceased, his son namely Mandeep Singh had left the house on 13.09.2019 at 4.00 p.m. When he did not return and his mobile phone was found switched off, intimation was given to the police authorities. The body was then recovered on 17.09.2019 around 9.00 p.m. from the water channel which was shown to the complainant and it was identified to be that of Mandeep Singh. In the FIR, 8 persons were named and the petitioner was not among the named persons. He was arrested on 08.12.2019, after more than 3 months of the

lodging of the FIR. It is, thus, submitted that it is a case of blind murder as such, or a case of accidental death upon drowning as per the report of the Department of Forensic Medicine & Toxicology, G.G.S. Medical College & Hospital, Faridkot.

The Additional Sessions Judge, Bathinda vide the impugned order, had noted the contention of the prosecution that the investigation had shown that the deceased had a conversation with one Kamaljeet Kaur and both of them had a love affair. The present petitioner was also stated to be in love with Kamaljeet Kaur and he had an altercation with the deceased and opened fire with his licensed revolver and thereafter thrown the dead body of Mandeep Singh in the canal, on which account the bail had been dismissed. In the bail order, it has also been noticed that the cause of death has been mentioned in the inquest report due to drowning and there was no external injury present on the body of the deceased, which is the argument of counsel for the petitioner, therein. It is in such circumstances, the report from the State was called for, which has been referred to as above.

Keeping in view the above circumstances and since there is no eye witness account as such of the petitioner pushing the deceased in the canal and neither there is any gun shot injury on the deceased and merely because the petitioner is a licensed weapon holder, he cannot continue to be in custody.

Counsel for the State, as such, thus, is not in a position to oppose the bail as at no point, even suspicion had been raised upon the petitioner at the initial stage.

Admittedly, the investigation is complete and the charges have been framed on 03.03.2020 and out of the 31 witnesses, it is stated that none

has been examined.

Keeping in view the above and the fact that the trial of the case is likely to take considerable time, the present petition is allowed. The petitioner be released on regular bail to the satisfaction of the Illaqua/Duty Magistrate, Bathinda.

The observations herein are only for the purpose of deciding the bail application.

15.07.2020
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(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No