

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

CRM-M-23118-2020 (O&M)
Date of Decision:- 14.12.2020

Arun Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. H.S.Sitta, AAG, Punjab.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

CRM-30408-2020

In view of the reasons mentioned in the application, the same is allowed as prayed for and Annexures P-6 and P-7 are taken on record subject to all just exceptions.

CRM-M-23118-2020 (O&M)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.228, dated 5.12.2015, Police

Station Shimlapuri, District Ludhiana, under Sections 302, 201, 411, 465, 471, 120-B, 473 IPC.

2. The FIR was lodged at the instance of Karnail Singh, wherein it has been alleged that he alongwith his wife Harjinder Kaur is running a Garments Shop. It is alleged that on 4.12.2015 he returned back home early on account of some work at home. It is alleged that later at about 8:30 PM he received a phone call from Billa owner of Arjun Jewelers informing that when Harjinder Kaur, after closing their shop was returning back to her home, then 3 clean shaven men abducted her in a car bearing registration No.HR-01V-4447. Although the complainant tried to look for his wife but she could not be traced.
3. It is further the case of prosecution that later on 7.12.2015, the dead body of complainant's wife was recovered. It is further the case of prosecution that during the course of investigation Tarsem Singh brother of the complainant was associated and on 7.12.2015 when he was present with the police party he had identified Balwinder Singh @ Toni, Gurjit Singh @ Ladi and Daljit Kaur, who are the persons who had kidnapped his sister-in-law Harjinder Kaur. It is further the case of prosecution that during the course of interrogation Balwinder Singh disclosed that he alongwith Gurjit Singh @ Ladi and Arun Kumar had made a scheme to eliminate Harjinder Kaur and had kidnapped her and thrown her in Doraha Canal. It is further the case of prosecution that one Ganesh Garg had seen the accused in the company of the deceased on the day of occurrence. It is also the case

of prosecution that Balwinder Singh and Gurjit Singh had made an extra judicial confession before one Davinder Singh.

4. The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that neither he was identified by Tarsem Singh and nor Ganesh Garg, who is alleged to have seen the accused in the company of deceased has supported the case of prosecution as he has turned hostile. It has further been submitted that even Davinder Singh before whom the co-accused had allegedly made extra judicial confession has not supported the case of prosecution.
5. Opposing the petition, the learned State counsel has submitted that since during investigation sufficient evidence had surfaced to connect the petitioner with the alleged murder of complainant's wife, no case for grant of bail is made out.
6. I have considered rival submissions addressed before this Court.
7. It is not disputed that the petitioner or any other accused is not named in the FIR. The complainant's brother Tarsem Singh, who was examined as PW-6, in his statement has stated that he had seen co-accused Balwinder Singh, Daljit Kaur and Gurjit Singh @ Ladi and had identified them. He has not identified the petitioner. Further, the other two witnesses pertaining to "last seen" evidence and the extra judicial confession i.e. PW-4 Ganesh Garg and PW-3 Davinder Singh have both turned hostile and have not supported the case of prosecution. The learned State counsel has informed that the petitioner has been behind bars since the last about 5 years and that

he is not involved in any other case and that co-accused Balwinder Singh and Daljit Kaur have since been granted regular bail.

8. In view of the aforestated facts wherein two of the material witnesses have resiled and that the petitioner has been behind bars since the last about 5 years and is not stated to be involved in any other case, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

December 14, 2020

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No