

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M- 26225 of 2020 (O&M)

Date of Decision: 30.09.2020

Gurdeep Singh

... Petitioner(s)

Versus

U.T. Chandigarh

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. A.P.Kaushal, Advocate
for the petitioner.

Mr. Rajeev Anand, Additional Public Prosecutor,
U.T. Chandigarh, for the respondent.

Anil Kshetarpal, J.

This is second petition, filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner pending trial in a criminal case arising from FIR No. 91 dated 12.04.2018, registered under Section 365 IPC (Section 302, 201 & 34 IPC were added lateron), at Police Station Maloya, Chandigarh.

Neeta Dogra registered this FIR while informing the police that her husband has been kidnapped. Subsequently, her husband-late Mohammad Ali was found to have been murdered.

The petitioner is facing the trial of the case. The first application, filed by the petitioner, was dismissed on 14.11.2019 by a detailed order.

Learned counsel for the petitioner contended that the petitioner is in custody for approximately 2 years and 5 months and the conclusion of the trial is likely to take time. He, hence, submitted that further incarceration of the petitioner would not be justified.

On the other hand, Mr. Rajeev Anand, who appeared for the

Union Territory, Chandigarh, has drawn attention of this Court to Annexure P4, a report from the Central Forensic Science Laboratory to contend that in this case, forensic evidence has been collected by the Chandigarh Police to prove the involvement of the petitioner in the present case. He submitted that as per the report, the blood samples, taken from the T-shirts worn by the deceased and the petitioner, have matched. The presence of blood of Group “B”, the same as that of the deceased, has been reported.

This Court has considered the submissions made by the learned counsel for the parties.

No doubt, the petitioner is in detention for a period of more than 2 years and 4 months, however, the petitioner is alleged to be involved in a heinous crime and the trial of the case has already commenced. The Chandigarh Police relies upon the forensic evidence to establish the involvement of the petitioner in the present case.

Keeping in view the aforesaid facts, this Court does not find that the petitioner has made out any fresh ground for grant of regular bail. Hence, the present petition is dismissed.

The miscellaneous application(s) pending, if any, shall also stand disposed of in terms of the main order.

(Anil Kshetarpal)
Judge

September 30, 2020
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No