

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M-27036 of 2020

Date of Decision: November 10, 2020

Tapinder Singh @ Amna

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Monty Goyal, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.89 dated 24.08.2019, under Sections 365, 364, 302, 201, 120-B and 34 IPC, 1860, registered at Police Station, Sudhar, District Ludhiana. The petitioner is in custody since his arrest on 30.11.2019.

The above FIR was registered on the statement of complainant-Ranjit Singh with the allegations that he has three daughters, namely, Inderjeet Kaur, Manjinder Kaur, Kuljeet Kaur and one son Manpreet Singh, who are married. Kuljeet Kaur was married to Gurcharan Singh, who is an army officer. She had some quarrel with her in-laws family and for the last about one year, she was living on rent at Sudhar bazaar with her husband's consent. On 09.08.2019, Kuljeet Kaur at about 11.00 p.m., went from her home, but could not return and a DDR in this regard was also lodged. After

enquiry, on 13.09.2019, the police party arrested Gurcharan Singh on suspicion. During interrogation, Gurcharan Singh stated that he and Lovepreet Singh on 09.08.2019 murdered Kuljit kaur with the help of Dupatta. Thereafter, they took Kuljit Kaur on motorcycle and buried her. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that as per prosecution itself, the victim was murdered by the co-accused, namely, Gurcharan Singh and Lovepreet Singh. He has invited the attention of the Court to their disclosure statement, and contended that upon recovery of the dead body, the offences punishable under Section 302 and 201 IPC were added on 17.09.2019. Mr. Goyal, learned counsel has argued that the petitioner was indicted as an accused on the ground that he facilitated the disposal of the dead body with the co-accused. He submits that the investigation of the case is complete as the final report has been filed and, therefore, the further custody of the petitioner may not be necessary. He prays for grant of regular bail, during the pendency of the trial.

On the other hand, learned State counsel assisted by SI Avneet Kaur has vehemently opposed the prayer on the ground that the petitioner participated in the crime along with his co-accused. He submits that the prosecution witness Gurmukh Singh had seen accused persons with the dead body and the petitioner along with another co-accused Lovepreet @ Labu buried the dead body. However, it is not disputed by him that the investigation of the case is complete and the final report has been filed on 10.12.2019. He, on instructions, states that the prosecution is yet to examine its witnesses.

After hearing the learned counsel for the parties, this Court

finds that after completion of investigation of the case, the final report has been filed on 10.12.2019, but the trial is yet to commence. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may delay the conclusion of trial. The petitioner is presently confined in judicial custody since 30.11.2019 and his further detention may not be necessary for any useful purpose, therefore, this Court does not find any reason to decline the prayer.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Ludhiana.

November 10, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No