

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

CRM-M-34365-2020 (O&M)
Date of Decision:-4.11.2020

Kulvir Singh @ Keera

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Aman Dhir, Advocate for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

Mr. P.K.S. Phoolka, Advocate for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.35 dated 13.3.2019 under Sections 302, 201, 34 and 120-B of Indian Penal Code at Police Station Kotbhai, District Sri Muktsar Sahib, wherein offences under Sections 306, 201 and 34 IPC have been added and Section 302 IPC was deleted later on.
2. The FIR was registered at the instance of Gurtej Singh wherein he has alleged that his sister Rashpinder Kaur was married to Shaminder Singh about 27 years back and who had been blessed with two children namely son Khushdeep Singh and daughter Sumandeep Kaur. It is alleged that after the marriage of his nephew Khushdeep Singh, complainant's brother-in-law

Shaminder Singh used to quarrel with complainant's sister and consequently with the intervention of the relatives, they started residing separately. While, Shaminder Singh's father used to reside with complainant's sister, other members of the family used to reside separately with Shaminder Singh. It is alleged that since there was a marriage on 14.3.2019 in the parental village of complainant, therefore, his sister also came to parental village 7-8 days prior to the marriage. However, on 12.3.2019, at about 8 A.M., the complainant and his sister came to know that Sumandeep Kaur, daughter of complainant's sister, had expired. Somehow, Shaminder Singh never informed them about her death. The complainant along with his sister Rashpinder Kaur and other relatives reached village Kothe Duljewala where Shaminder Singh informed them that Sumandeep Kaur had died on account of 'Swine Flu' and that they had also taken her to Delhi Heart Hospital, Bathinda and further that the doctor had advised them to immediately cremate Sumandeep Kaur. The complainant alleged that upon inquiries, they came to know that his niece had never been taken to any hospital and had infact been murdered as Shaminder Singh doubted the character of complainant's niece Sumandeep Kaur. The complainant alleged that he strongly suspects that Shaminder Singh, Veerpal Kaur, Kulvir Singh @Keera, Gurdeep Singh and Baljit Singh had murdered Sumandeep Kaur in conspiracy with each other and had cremated her without informing the complainant.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that even as per the FIR the motive for killing Sumandeep Kaur is attributable to her father i.e. co-accused Shaminder Singh, who suspected that she was having some love affair. The learned counsel has further submitted that although the earlier

petition filed by the petitioner was dismissed by this Court but it was more than a year back that the same was dismissed vide order dated 27.9.2019 (Annexure P-10) and that despite a period of one year having elapsed there has been no progress in the trial inasmuch as not even a single witness out of the cited 34 PWs has been examined.

4. Opposing the petition, the learned State counsel assisted by the learned counsel for the complainant, has submitted that since the earlier petition filed on behalf of the petitioner was declined on merits, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court.
6. Keeping in view the fact that it is the co-accused Shaminder Singh, who is the main accused, who can be said to be attributed with a motive to kill Sumandeep Kaur and while also noticing that the petitioner has been behind bars since the last about 1 year and 4 months and is not stated to be a previous convict and that the conclusion of trial is likely to consume time as not even a single witness out of the cited 34 PWs has been examined, 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 regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

4.11.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No