

In virtual Court

CRM-M-34985-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-34985-2020 (O&M)
Date of decision: 04.11.2020

Sagar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sourabh Singla, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.143 dated 24.11.2019 under Section 460 IPC, registered at Police Station Khanauri, District Sangrur.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of Joga, his aunt Bhago Devi is issueless and her husband Ram Lal had died 02 years ago. On 24.11.2019, he came to know that some unidentified persons had committed the murder of her aunt, broken the locks and taken some articles. The dead body was seen half naked lying on cot in a pool of blood. As per the post-mortem report, the deceased suffered three external injuries i.e. diffusion swelling in the left temporal region with

fracture of underlying bone and a lacerated wound on the frontal region from the hairline of size 4x 2 cm with a depressed fracture and third injury i.e. an abrasion was found on the lower region of vagina. The cause of death was reported to be ante-mortem in nature due to the injuries suffered by the deceased. The doctor, on the basis of chemical examiner report, further opined that sexual assault cannot be ruled out.

Learned counsel for the petitioner further submits that during the investigation, the police recorded statement of Sandeep Kumar, grandson of deceased and one Fauji Ram, who have stated that present petitioner Sagar accompanied by Gurpreet Singh @ Guru, Bittu Ram @ Banti and Varinder @ Gindu had gone to house of deceased on motorcycle of the petitioner, where they committed rape upon the deceased and murdered her. It is also submitted that neither the complainant nor Sandeep Kumar or Fauji Ram are eye-witnesses and the petitioner has been nominated only on the basis of circumstantial evidence. It is next submitted that the gold and silver articles belonging to the deceased, which were recovered from the petitioner, were identified by witness Sandeep Kumar.

Learned State counsel has opposed the prayer for bail on the ground that allegations are of committing rape with the deceased and thereafter, breaking the locks of iron box, the accused persons have stolen the gold and silver ornaments. It is submitted that recovery of cash as well as gold ornaments were effected from the petitioner as well as another accused Gurpreet Singh @ Guru, who was declared juvenile. It is also submitted that since the petitioner is

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in distant relation with the deceased, he had access to her house.

After hearing learned counsel for the parties and considering the serious allegations levelled against the petitioner, I find no ground to grant regular bail to the petitioner.

Dismissed.

**[ARVIND SINGH SANGWAN]
JUDGE**

04.11.2020
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No