

CRM-M-34725-2020

Date of decision: 06.11.2020

Junaid Ali

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Ms. Anupam Bhanot, Advocate
for the petitioner.**FATEH DEEP SINGH, J. (ORAL)**

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

Notice of motion to the official respondent-State.

Mr. Harbir Sandhu, AAG, Punjab has put in appearance and accepts notice on behalf of the official respondent-State. Copy supplied.

Mr. Shivam Malhotra, Advocate puts in appearance and accepts notice on behalf of the complainant.

The accused/petitioner-Junaid Ali has come up in this 4th regular bail application (first and third were dismissed as withdrawn vide orders dated 12.03.2019 and 15.10.2020, respectively and second one was dismissed vide order dated 21.08.2020) under

Section 439 Cr.P.C. in a case bearing FIR No.43 dated 20.05.2018 under Sections 364, 302, 201, 365, 120-B of IPC and Sections 25/27/54 and 59 of the Arms Act registered at Police Station Tarsikka, District Amritsar (Rural).

The present case was got registered on the statement of complainant-Kasamdin, who happens to be the unfortunate father of deceased-Ladi. The brief allegations are that his son went missing on 19.05.2018 after he left his house on his vehicle along with his friend, Sari. The motive behind this occurrence is that, son of co-accused-Gama had died some years ago and that Ladi married daughter-in-law of Gama, wife of his deceased son, which was not to the liking of Gama and his family. During the course of investigations, 15 persons figured as accused.

The contentions of the learned State counsel that one of the witnesses has seen the deceased being taken away by the accused and that the hair recovered from the place of occurrence, sent for analysis, matched with that of Ladi's father, the present complainant. The prosecution allegations further hover that after burying the dead body, the accused on the sly exhumed it and, thereafter, threw the body in a river. Though, the same is sought to be controverted by the counsel for the petitioner on the some of the accused have been allowed bail by this Court and that in view of the COVID-19 pandemic, the trial is not likely to be concluded in the near future and has sought to highlight the period of detention already

undergone by the petitioner.

Be so as it may, keeping in view the seriousness of the allegations and heinousness of the offence and the evidence brought to the notice of this Court coupled with the fact that earlier three similar bail applications of the petitioner stands declined and the counsel for the petitioner could not convince this Court to allow the present petition nor any fresh ground has arisen, the mere period of incarceration is no extenuating circumstance in view of the allegations and the gravity of the offence. Thus, finding no merit, the present petition stands dismissed.

06.11.2020

Neha

**(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No