

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

218

**CRM-M-36600 of 2020
Date of Decision:16.11.2020**

SHINDERPAL SINGH @ SHINDER

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Rajinder Singh Bhata, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

SUVIR SEHGAL, J.(ORAL)

The hearing of this case has been taken up through video conferencing on account of outbreak of Coronavirus (Covid-19) pandemic.

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of concession of regular bail to the petitioner in case FIR No.41, dated 04.06.2019 registered under Section 302/34 of the Indian Penal Code, 1860 at Police Station Lakhewali, District Sri Muktsar Sahib, Annexure P-1.

As per the version of the prosecution, FIR was registered on the statement of Ram Singh, father of the deceased, Soma Rani, who stated that the marriage of his daughter took place with the petitioner 04 years ago and they have a 2½ years old daughter. About 04 months ago, a marital dispute took place between the parties and the deceased came and started staying at her parental home. A complaint was given to Police Station by Vairoke, but

due to elections, the dispute could not be sorted out. On 03.06.2019 at 9.30 pm, the petitioner made a video call to the deceased and called her to talk and compromise the matter. His daughter told him about the phone call. The next morning, his daughter was found dead in the agricultural field of one Balwinder Singh. He suspected that his son-in-law strangled her to death with her "chunni" in connivance with his brother Kuldeep Singh and some other persons. The petitioner was arrested on 10.06.2019.

Counsel for the petitioner has urged that the petitioner has been falsely framed. There is not even an iota of evidence to connect the petitioner with the crime and the FIR has been registered on the basis of suspicion. According to the counsel, the entire case is based on circumstantial evidence and the petitioner was present at his native village at the time of the alleged incident. The confessional statement, Annexure P-4, of the petitioner has been recorded in police custody which, it has been asserted by the counsel, is inadmissible in evidence. It has been further argued that the alleged extra judicial confession has also been set up and during investigation, the brother of the petitioner was found innocent and another person, namely Balwinder Singh alias Bagichi, was named as an accused. Counsel has placed reliance on the order dated 16.10.2020, Annexure P-2, passed by this Court in CRM-M-23263 of 2020, whereby co-accused Balwinder Singh alias Bagichi was released on bail. Counsel has sought to draw parity with the case of Balwinder Singh and has submitted that the petitioner deserves to be released on bail.

Opposing the petition, learned State counsel upon instructions from the investigating officer, SI Shinder Singh, has submitted that the allegations against the petitioner are serious in nature and he has been

specifically named as an accused in the FIR. He submits that the prosecution possesses sufficient incriminating evidence to nail the accused petitioner. He has expressed an apprehension that as the trial is at the initial stage and the statements of the material witnesses are yet to be recorded, if released on bail, the petitioner may try to win over the witnesses. He has filed the custody certificate dated 14.11.2020 wherefrom he submits that the petitioner has been in custody for the last 01 year, 05 months and 04 days.

I have considered the rival submissions of the counsel for the parties.

The allegations against the petitioner are not only serious but very categorical. The petitioner had a marital dispute with his deceased wife, who was staying separately from him for the last 04 months. A complaint in this connection was submitted with the police, which was pending. The petitioner allegedly called the deceased on her mobile a night before to settle the discord. The probability of the involvement of the petitioner in the crime cannot be ruled out as the motive appears to be obvious.

Trial is at its very initial stage and evidence of only one prosecution witness has been recorded. The statement of the complainant and Gurnam Singh, Sarpanch of the village before whom the accused petitioner is alleged to have made an extra judicial confession is yet to be recorded. This Court is of the view that there appears to be substance in the apprehension expressed by the prosecution. Still further, the case of the petitioner is not at par with that of co-accused Balwinder Singh who was neither named in the FIR and was apprehended on the basis of extra judicial confession of the petitioner.

Keeping in view the totality of the facts and circumstances noticed above, no case is made out for grant of concession of regular bail to the petitioner at this stage.

The petition is accordingly dismissed.

It is clarified that any observation made hereinabove shall not be construed to be an expression on the merits of the case.

16.11.2020

Sheetal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No