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

**CRM-M No.36005 of 2019
Date of Decision: 02.03.2020**

**GAGANDEEP SINGH @ GAGGI @ GAND
.....Petitioner**

**Vs
STATE OF PUNJAB**

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Mr. J.S. Ghumman, D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.13 dated 26.01.2018, registered under Sections 302, 201, 120-B IPC at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

Prosecution story started with the allegations that the complainant Jaswant Singh brother of the deceased made a complaint to the police on 26.01.2018. It was alleged that Sikander Singh @ Gori @ Bunty started visiting the house of his brother Basant Singh @ Billa and he developed illicit relations with Kuldeep Kaur @ Amni, i.e. sister-in-law of the complainant. Kuldeep Kaur was warned by the family members, but she did

not mend her ways. Sikander Singh @ Gori @ Bunty kept on visiting the house of Kuldeep Kaur @ Amni in the absence of Basant Singh @ Billa.

The FIR has been lodged on the basis of last seen version dated 15.01.2018, when Basant Singh @ Billa went to the house of Jaswant Singh and at about 12.30 p.m., the complainant Jaswant Singh saw that on a motorcycle Sikander Singh @ Gori @ Bunty, Gaggi @ Gand and Chanchal Singh etc. had come to the house of Basant Singh and they had a talk with Kuldeep Kaur. After some time Kuldeep Kaur called Basant Singh by sending him a message and after some time, Sikander Singh @ Bunty @ Gori, Gaggi @ Gand and Chanchal Singh etc. took Basant Singh on their motorcycle. Thereafter Basant Singh did not return to the house.

The FIR was lodged on 26.01.2018 on the basis of last seen version dated 15.01.2018, when dead body of Basant Singh was recovered. The complainant identified the dead body which was lying in the Hospital on 26.01.2018 itself. On 27.01.2018, statement of Baljit Singh was recorded by the Police, wherein he stated that the petitioner had inflicted Sua (ice pickle) blow on the person of deceased Basant Singh.

As per post mortem report of the deceased Basant Singh, no punctured wound was found on his person. Total 11

injuries were found. All were lacerated wounds. Cause of death has been opined as cerebral damage consequent upon blunt force impact to the head of the deceased which was sufficient to cause death in ordinary course of nature.

The case appears to be based on circumstantial evidence on the theory of last seen. The FIR was belatedly lodged as earlier wife of the deceased lodged only missing report on 16.01.2018.

Learned State counsel on instructions from ASI Surjeet Singh submitted that trial of the case is in offing. Out of 38 prosecution witnesses, 16 have been examined and 5 witnesses have been given up. Material witnesses have been examined. Dr. Navroj Goyal DW-6 has also been examined.

Petitioner is in custody since January 2018. The complicity of the petitioner would remain debatable. Trial of the case may take some time in its conclusion

At this stage, without adverting to the merits of the case, I am of the view that petitioner, who is in custody since January 2018, can be enlarged on bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

March 02, 2020	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No