

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

105

**CRM-M-38409-2019
Date of Decision : 23.01.2020**

Sandeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mrs. Baljit Mann, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, D.A.G., Punjab
for respondent-State.

Mr. Piyush Sharma, Advocate
for the complainant.

ARUN KUMAR TYAGI, J. (Oral)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of regular bail in case FIR No.14 dated 14.03.2019 registered under Sections 302, 364, 404, 316, 201, 120-B, 148 and 149 of the Indian Penal Code, 1860 at Police Station Arif Ke, District Ferozepur.

As per the prosecution version summarized in the report under Section 173 (2) of the Cr.P.C., Ravneet Kaur (deceased), daughter of complainant Harjinder Singh, was married to Jaspreet Singh and both of them were permanent residents of Australia. Jaspreet Singh was having an illicit affair with accused Kiranjit Kaur who was also living in Australia. Ravneet Kaur came to India 13-14 days prior to the occurrence to her parental village Bagge Ke Peepal. On 14.03.2019, when

complainant Harjinder Singh was at home, then at about 11/11.30 A.M. a phone call was received from his son-in-law Jaspreet Singh from Australia on the phone of his daughter Ravneet Kaur. While attending the phone, his daughter Ravneet Kaur went to the backside of his house through street towards the '*Nohra*' as the tower range near his house was very weak. When her daughter did not return for about $\frac{1}{2}$ / $\frac{3}{4}$ hours, then he went to look after his daughter but could not find her. He called his son Jasneet Singh on the phone and narrated the entire occurrence. He and his son searched his daughter in the village and also among relatives. He repeatedly called on the mobile phone number of his daughter but the same was switched off. Accordingly, he lodged FIR regarding kidnapping of his daughter Ravneet kaur by some unknown persons. Thereafter, the dead body of Ravneet Kaur was found in canal on 25.03.2019. During investigation, it was discovered that Ravneet Kaur had been abducted and murdered by accused Kiranjit Kaur, who had come to India for this purpose from Australia, with the help of Taranjit Kaur, Gursewak Singh, Sandeep Singh and Pushpinder Singh in conspiracy with Jaspreet Singh, husband of deceased Ravneet Kaur.

The bail application has been opposed by the State in terms of reply filed on 10.01.2020.

I have heard learned Counsel for the petitioner and learned State Counsel assisted by learned Counsel for the complainant and gone through the record.

Learned Counsel for the petitioner has submitted that co-accused Kiranjit Kaur who is married to his maternal uncle's son made a telephonic call to him on 11.03.2019 for providing car to visit Golden

Temple and other places. He provided Swift Car owned by his brother Gurtej Singh. The above said car is stated to have been used for recce for kidnapping Ravneet Kaur from her parental house. As per the report filed under Section 173(2) of the Cr.P.C., Kiranjit Kaur, Taranjit Kaur and Gursewak Singh had used the car on 12.03.2019 for recce of the parental house of the deceased and location of mobile phone of Gursewak Singh was also shown at village Saade Hazam, which is about 1 Km. away from village Bagge Ke Peepal. As per the above said police report, the above said car was again used for recce of the parental house of the deceased on 13.03.2019 by Taranjit Kaur, Pushpinder Singh and Gursewak Singh. Co-accused Kiranjit Kaur and Taranjit Kaur are alleged to have kidnapped and murdered Ravneet Kaur on 14.03.2019 and thrown her body in the canal which was recovered on 25.03.2019. Co-accused Kiranjit Kaur left for Australia on 15.03.2019. The petitioner-accused Sandeep Singh had merely provided car to his co-accused and no other criminal act is attributed to him. In his statement under Section 161 of the Cr.P.C. PW-Karamjeet Sharma did not mention the name of the person seen by him on 12.03.2019 who as per the report under Section 173 (2) was Gursewak Singh and PW-Karamjeet Sharma has made material improvements in his statement in the Court which adversely affects the credibility thereof. Only 2 out of the 50 prosecution witnesses have been examined so far. Trial in the case is likely to take long time. No purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned Counsel for the State and learned

Section 173(2) of the Cr.P.C. it was mentioned that Swift car was used for recce of the parental house of the deceased. In his statement under Section 161 of the Cr.P.C. Gurtej Singh brother of the petitioner mentioned that the petitioner had taken his car. In his statement under Section 161 of the Cr.P.C. PW - Karamjeet Sharma had mentioned that he had seen two ladies and one boy in the village on 12.03.2019 and in his statement made in the court he identified the petitioner as the boy whom he had seen on 12.03.2019 in the village. Keeping in view the nature of accusation against the petitioner and gravity of the offences, the petitioner does not deserve grant of regular bail and the petition may be dismissed.

Keeping in view the facts and circumstances of the case, the role attributed to the petitioner as per the case of the prosecution as mentioned in the report under Section 173(2) of the Cr.P.C. that on 12.03.2019 co-accused Kiranjit Kaur alongwith Taranjit Kaur and Gursewak Singh had conducted recce of the parental house of the deceased and on 13.03.2019 Taranjit Kaur, Pushpinder Singh and Gursewak Singh had conducted recce of the parental house of the deceased and the fact that assessment of evidentiary value of testimony of PW-Karamjeet Sharma would have to be made on the basis of evidence to be produced during trial which is likely to take long time as only two out of 50 prosecution witnesses have been examined so far but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail bonds to the

satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

23.01.2020

kavneet singh

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No