

CRM-10959-2020 in/and  
CRM-M-52216-2019 (O&M)  
Date of decision: 28.05.2020

Daya Singh @ Ram Singh

....Petitioner

versus

State of Punjab

....Respondent

**CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**

**Present:** Mr. Sunny Bhardwaj, Advocate  
for the petitioner.

Mr. H.S. Grewal, Addl. A.G., Punjab  
for the respondent-State.

**FATEH DEEP SINGH, J.(ORAL)**

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

**CRM-9292-2020**

Prayer in this application is for preponment of the date of hearing of the main petition.

For the reasons mentioned in the application, the prayer for preponment is allowed and the main case is taken up on board, for consideration, today itself.

**CRM-M-52216-2019**

The accused/petitioner, Daya Singh @ Ram Singh, who is in custody since 10.12.2018, in this case bearing FIR No.142 dated

08.12.2018 under Sections 365, 302, 34, 120-B of the Indian Penal Code and Sections 25/27-54-59 of the Arms Act registered at Police Station Jodhan, District Ludhiana, Punjab, has sought this regular bail.

The brief allegations are that the present case was got registered on the statement of one, Harpreet Singh, driver of Sewadar Baba Ajaib Singh of Gurudwara Tahlil Sahib situated in village Rattna, District Ludhiana. As the story goes, on 04.12.2018, the complainant had driven Baba Ajaib Singh in Innova vehicle bearing No. HR-65-9794 in the morning. It is thereafter, one Indica Car of silver colour came in which there were number of persons and out of the car, one Sikh came out who meet Baba Ajaib Sinigh. It is, thereafter, at the asking of Baba Ajaib Singh, the complainant handed over the keys of the car to the young man. Baba Ajaib Singh, thereafter, accompanied the young man telling the complainant that he has to discuss some important matter and, thereafter, accompanied those persons in his Innova car along with young man who drove the vehicle followed by the Indica car. It is, thereafter, when the mobile phone of Baba Ajaib Singh was switched off and after his whereabouts were not known, the present case was got registered. It subsequently, transpires that all the persons who had come in the Indica car had hatched a conspiracy and in furtherance of which on the sly kidnapped Baba Ajaib Singh and committed his murder and buried his dead body in the premises of

*Gaushala*. It is, subsequently, the dead body of the deceased was got exhumed in the presence of the Magistrate and other officials at the behest of the accused.

Mr. Sunny Bhardwaj, Advocate for the petitioner *inter alia* submits that the name of the petitioner is not detailed in the FIR nor he has been identified and there is no specific role attributed to him in the commission of offence. It is further submitted that co-accused/non-applicant-Harnek Singh has been allowed bail by the lower Court and case of the petitioner is not distinguishable from that of the co-accused.

The same is duly opposed by the learned State counsel on the grounds that it was at the behest of the accused, the deceased was murdered and his body was dumped and, subsequently, at the behest of the accused, body was got exhumed and, therefore, a strong circumstance points out to the role of the accused in the commission of the offence.

Going through the submissions, it was at the behest of the accused/petitioner, syringe, needle and injection used to sedate the deceased, were got recovered and it was on his disclosure statement, mobile phone of the deceased too was got recovered. During the investigations, the weapon of offence, .32 bore pistol with 05 live cartridges and a empty were recovered. The accused has also got recovered the vehicle used in the commission of the crime.

The claim of the State that the trial is underway and if

allowed bail, there is every chance that the witnesses would be intimidated. Moreover, keeping in view the seriousness of the allegations, the evidence collected against the accused/petitioner and the heinousness of the offence are matters which weigh heavily in the mind of the Court.

In light of the same, this Court is not inclined to allow the present bail application and the same, is as such stands dismissed.

28.05.2020

Neha

(FATEH DEEP SINGH)  
JUDGE

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether Reportable        | : | Yes/No |