

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-812-2021

DATE OF DECISION: 14.01.2021

GURNAM SINGH NIKKA @ GHALI

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Jasdeep Singh, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking regular bail in FIR No.99 dated 23.09.2018, under Sections 302, 201, 120-B, 34 IPC registered at Police Station Sadar Rampura, district Bathinda.

Learned counsel for the petitioner contends that it is a case of circumstantial evidence. The allegations are that the body of Chand Singh was recovered from the lake near Joggers Park, Bathinda on 16.09.2018. The body was kept at Civil Hospital, Bathinda as no one came forward to claim it. It was cremated as unclaimed on 18.09.2018. On 20.09.2018, the photographs and belongings of the deceased were identified by his daughter-Ranjit Kaur and her husband as those of Chand Singh. Ranjit Kaur informed the police that Manpreet Kaur, who is the daughter-in-law of the deceased was having illicit relations with one Lachhman Singh @ Lachhu and they were suspected to have murdered the deceased. He, however, contends that after the death of Chand Singh, there was a dispute with regard to inheritance of his property and Manpreet Kaur was implicated in the case. The husband of Manpreet Kaur is a simpleton and it is alleged that he had been made a drug addict by her. The allegations against the petitioner are that he has connived with

Manpreet Kaur, who is his relative, in committing the offence. He further contends that the main accused Manpreet Kaur has been granted regular bail by the Coordinate bench of this Court in CRM-M-24365-2019, on 25.09.2020 and similarly situated co-accused namely Jagsir Singh has been granted regular bail by this Court in CRM-M-35678-2020 on 23.12.2020. He also contends that the petitioner is in custody for over 02 years and 03 months since his arrest on 27.09.2018 and is not involved in any other criminal case.

Learned State counsel, upon instructions from ASI Baljit Pal, contends that the allegations against the petitioner are serious and therefore, he is not entitled to the concession of regular bail. He also contends that 07 out of 25 prosecution witnesses have been examined. He, however, is not in a position to controvert the submission of learned counsel for the petitioner that the main accused Manpreet Kaur and similarly situated co-accused namely Jagsir Singh have been granted regular bail by the coordinate Bench of this Court in CRM-M-24365-2019 on 25.09.2020 and this Court in CRM-M-35678-2020 on 23.12.2020 respectively.

Heard through video conferencing.

It is a case of circumstantial evidence. The allegations against the petitioner are that he has connived with co-accused, Manpreet Kaur in eliminating the deceased. The main accused Manpreet Kaur has been granted regular bail by the Coordinate Bench of this Court in CRM-M-24365-2019, on 25.09.2020. The similarly situated co-accused Jagsir Singh has also been granted regular bail by this Court in CRM-M-35678-2020 on 23.12.2020. The petitioner is in custody for over 02 years and 03 months, he is not involved in any other

criminal case and the conclusion of the trial is likely to take some time due to the COVID-19 pandemic as only 07 out of 25 prosecution witnesses have been examined. In view of the above, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

14.01.2021

SwarnjitS

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