

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

CRM-M No.3566 of 2021

Date of Decision : 09.02.2021

Surjit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Jasraj Singh, Advocate
for the Petitioner.

Mr. B.S. Sewak, Addl. Advocate General, Punjab
for the Respondent/State.

SUDIP AHLUWALIA, J. (ORAL)

The instant Petition has been filed under Section 439 of the Code of Criminal Procedure seeking Regular Bail on behalf of the Petitioner in case FIR No.265, dated 21st October, 2020, registered, under Sections 302, 376-D, 201 and 34 of the Indian Penal Code, 1860, in which Section 376-AB of the IPC has been added in place of Section 376-D and further Section 366-A of the IPC, Sections 4 and 6 of the Protection of Children from Sexual Offences Act (POCSO), 2012 and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 have been added, at Police Station Tanda, District Hoshiarpur.

2. It has been contended on behalf of the Petitioner that he has been falsely implicated. He is an old man of about 85 years having, retired from the Indian Army after a distinguished and decorated career.

3. The FIR was lodged by the Complainant Rudal Rishi Dev on

the allegation that Surpreet Singh, who happens to be the grandson of the Petitioner had tried to meet his daughter (victim) once in his house, but was asked to go away.

3. Subsequently, the Complainant and his wife went out to work and when his wife returned home at mid-day she found the said minor child (victim) to be missing. She was informed by her other daughter-Archna that the Petitioner's grandson had allured and taken away the victim with him on the pretext of giving her something to eat. Later in the evening the Petitioner reportedly came to the Complainant's house and informed him that his daughter is lying burnt in their *Haveli*, which had caught fire. The Complainant thereafter reached the Petitioner's *Haveli* where the burnt body of his daughter was found. He therefore lodged the Complaint as he “fully believed” that the Petitioner along with his aforesaid grandson had killed his daughter after raping her, and had also burnt her in order to destroy the evidence.

4. Ld. Counsel for the Petitioner has drawn attention of the Court to the fact that it was nowhere the allegation that when the Complainant's daughter had left with the Petitioner's grandson, the Petitioner himself was at that time associated in her alleged allurement.

5. The only available evidence coming forth against the Petitioner is based on his own Confessional Statement before the Police Officers during investigation to the effect that after hearing about the rape and murder of the Prosecutrix committed by his grandson, he hurriedly reached the cattle shed in his *Haveli* and concealed her dead body in a corner of the

same room, but subsequently was compelled to approach the Complainant and give him the information on account of the hue and cry which had already been raised in the village to the effect that his grandson had taken away the Prosecutrix.

6. It is, therefore, clear that the only material available against the Petitioner is that he had attempted to cause disappearance of the dead body/ evidence pertaining to the rape and murder of the Prosecutrix committed by his own grandson, which at best would amount to the commission of an offence under Section 201 of the IPC, and which is bailable.

7. Investigation in the case has already been completed and Challan submitted.

8. The Petitioner has by now remained in detention for almost 3½ month since 22nd October, 2020.

9. In the circumstances and without commenting upon the other merits of the case, at this stage, this Court is of the opinion that further detention of the Petitioner for an indefinite period is not called for. As such, he is ordered to be released on bail subject to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned.

10. Disposed off.

February 09, 2021
Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No