

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

CRM-M-18424 of 2021

Date of Decision: 14.09.2021

Jatinder Singh @ Shanty

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr. Sandeep Verma, Advocate for the petitioner.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

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HARINDER SINGH SIDHU, J.

Prayer is for grant of regular bail in case FIR No.07 dated 17.01.2018 under Sections 302,201,34 IPC registered at P.S Passiana, District Patiala.

FIR was lodged on the complaint of Baljinder Singh, who stated that marriage of his elder brother Narinder Singh (deceased) had been solemnized with Sandeep Kaur about nine years ago. There was one son from the marriage. The complainant's brother and his wife had a dispute between them. Sister-in-law of the complainant frequently went to her parental house. She stated that she did not like her husband. Number of times, panchayat was organized. Thereafter, she came back. The cause of the dispute between the deceased and his wife (sister-in-law of the

complainant) was the illicit relation of sister-in-law of the complainant with Pardeep @ Pandit. About one year ago, the petitioner (brother-in-law of the deceased) along with Pardeep @ Pandit and some unidentified persons had come to the house of the complainant with swords with an intention to beat the complainant, his brother and others. However, some respectable persons of the village intervened and persuaded them to return back. Since then, sister-in-law of the complainant Sandeep Kaur, her brother (petitioner) and father-in-law of the deceased had been extending life threats to the deceased. On 03.1.2018, the petitioner along with his wife came to the village of the complainant stating that their mother was ill. They took Sandeep Kaur and her son Harmanjot Singh along with them at about 8.00 p.m. On 08.1.2018, the petitioner and his wife came to the house of the complainant in a car and told his brother (deceased) that Sandeep Kaur was not agreeing to come back to matrimonial house. They asked the deceased to come and persuade her to come back to the matrimonial home. On 09.1.2018, the deceased went to his in-laws house at Gobindgarh at 10.00 A. M on his motorcycle. At about 3.30 p.m, he telephonically informed his father that he was coming back home and was at some distance from Rajpura. However, when he did not reach home till about 6.00 p.m, complainant and other family members tried to contact the deceased but his phone was switched off. Thereafter, they started searching for the deceased. They found his body floating in the canal near the Bhakra Bridge. They took out the body from canal with the help of a diver. They noticed that the hands and feet of the deceased were tied with a blue coloured cloth. His arms were tied to his stomach with his turban. The complainant alleged that the deceased had been murdered by the petitioner

and the father- in- law of the deceased Dharam Singh, Sandeep Kaur, wife of the deceased and Pardeep @ Pandit had thrown his body in the Bhakhra canal.

As per the post-mortem following four injuries were seen on the body of the deceased :

<i>Injury No.1</i>	<i>One cloth piece present tied in three turns around chest abdomen and arms with knot in front. Underlying tissues present contused with reddish brown coloration more predominant on middle and sides of chest.</i>
<i>Injury No.2</i>	<i>One cloth piece tied around both ankles with knot on bottom, underlying tissue present reddish brown contused.</i>
<i>Injury No.3</i>	<i>One cloth piece tied around both wrists with multiple turns, underlying tissue present reddish brown contused with dislocation of left wrist joint.</i>
<i>Injury No.4</i>	<i>Nose deformed compressed in appearance with reddish discoloration on its surrounding area, with reddish abrasion by 1.5 x 0.5 cm on right side of face. Bite Marks present on the tongue.</i>

The cause of death was stated to be ‘traumatic asphyxia and drowning which are sufficient to cause death in ordinary course.’

Learned counsel for the petitioner has argued that the case has been registered on suspicion. There is no direct evidence. The prosecution is relying only on circumstantial evidence. The FIR was lodged on 17.01.2018 whereas the deceased had gone missing on 09.01.2018. Out of the four accused mentioned in the FIR, Sandeep Kaur and Pardeep Sharma were found innocent and kept in column No.2. Thereafter, they have been summoned by the Court under Section 319 Cr.P.C. vide order dated 09.07.2019. The petitioner is in custody since 22.01.2018. The trial of the

case has not progressed. Out of 28 prosecution witnesses cited, only three have been examined so far. The wife of the petitioner, who is co-accused has been released on bail vide order dated 21.05.2019.

Having heard Ld. Counsel in my view it is not a fit case for grant of bail to the petitioner at this stage. The allegation against the petitioner is that he had murdered the deceased and the co-accused had then thrown the body in the canal. The petitioner along with his wife had come to the house of the deceased and asked the deceased to come to his in-laws house and persuade the wife of the deceased to return to the matrimonial home. On 09.1.2018, the deceased went to his in-laws house at Gobindgarh at 10.00 A. M on his motorcycle. At about 3.30 p.m, he telephonically informed his father that he was coming back home and was at some distance from Rajpura. When he did not reach home till about 6.00 p.m, complainant and other family members tried to contact the deceased but his phone was switched off. They searched for him and found his body in the Bhakra canal. They noticed that the hands and feet of the deceased were tied with a blue coloured cloth. His arms were tied to his stomach with his turban. There were four injuries on the body of the deceased.

The delay in the conclusion of the Trial is not attributable to the prosecution. As noticed by the Ld. Additional Sessions Judge in his order declining bail to the petitioner, three of the accused did not join the investigation. They were declared Proclaimed Offenders and only then arrested.

It is also not the case of the petitioner that the three witnesses that have been examined so far have not supported the case of the prosecution.

Accordingly this petition is dismissed.

It is clarified that nothing observed herein shall be construed as
an expression of opinion on the merits of the case.

September 14, 2021
manoj

(Harinder Singh Sidhu)
Judge

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