

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

Criminal Misc. No.M-19090 of 2021(O&M)

Date of Decision: June 10 , 2021

Satish Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Karan Singla, Advocate
for the petitioner.

Mr.R.S.Khaira, AAG, Punjab.

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HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 439 Cr.P.C for grant of bail in case FIR No.175 dated 02.10.2019 under Sections 302, 201 and 34 IPC registered at Police Station City Samana, District Patiala.

The FIR was registered on the statement of Anil, brother of deceased Rajiv Kumar @ Dimple, who stated that he works as electrician at Ghagga Road Samana. Rekha Rani is the wife of his brother Rajiv Kumar. She has two children, one daughter Ekta and one son Sumit Kumar. He stated that on 04.09.2019 his brother Rajiv Kumar @ Dimple had gone to Patran on his Vespa scooter number PB-11-N-0642. From there he had returned back to Samana at about 7/8 PM. He did not come back to his house but had gone to the house of Darshan Singh resident of Officers Colony, Samana who was his Chacha. At that time, he was accompanied by

Satish Kumar (accused- petitioner) . Rajiv Kumar told Darshan Singh that

the matter with his nephew Ravi Kumar etc. pertaining to plot be concluded by getting it registered. His uncle Darshan Singh assured him that he would conclude the matter by getting it registered and sent him back. Thereafter his brother Rajiv Kumar @ Dimple did not reach home. At about 12 midnight his nephew Ravi Kumar woke him and told him that his uncle Rajiv Kumar had not returned home and his mobile number was also switched off. At that time Ravi was accompanied by Satish (petitioner) and one Billu son of Mohan Lal. Thereafter they searched for Rajiv Kumar but did not find him anywhere. In the morning at about 8 AM, he came to know that police had brought a dead body of a male person from Bhakra Canal to Civil Hospital Samana. He along with his nephew Ravi Kumar and sister-in-law Rekha Rani wife of the deceased reached the mortuary and identified the dead body of his brother Rajiv Kumar @ Dimple.

The complainant alleged that petitioner- Satish Kumar was frequently visiting the house of his deceased brother Rajiv Kumar alias Dimple and he was also last seen with the deceased. He suspected that the murder of his brother had been committed by Satish Kumar in connivance with Gurpreet Singh alias Goggi and they had thrown the dead body near Bhakra Canal. He wanted that the role of his sister-in-law Rekha Rani may also be investigated, since his deceased brother had been suspecting illicit relations between Satish Kumar (petitioner) and Rekha Rani.

Ld. Counsel for the petitioner has argued that the petitioner has been falsely implicated in the case. In fact, the deceased Rajiv Kumar had a property dispute with his nephew Ravi Kumar and his family. Referring to an application dated 04.07.2018 (P2), allegedly submitted by the deceased

before the Tehsildar, Samana requesting him not to approve the mutation of

the disputed property on the basis of inheritance, it is argued that Ravi Kumar was having a motive to murder the deceased. It is further stated that on 26.01.2019 the deceased had also written to the village Sarpanch (P4) to intervene in the property dispute and get it settled amicably. It is also argued on behalf of the petitioner that initially there was no complaint to the police and it was only after one month that the present FIR was got registered without any basis pointing an accusing finger at the petitioner.

Upon notice, status report by way of affidavit of Jaswant Singh, Deputy Superintendent of Police, Circle Samana has been filed. It is stated that during investigation by SI Sahib Singh, the petitioner Satish Kumar was interrogated, wherein, he had admitted that he used to talk with wife of deceased Rajiv Kumar @ Dimple on phone and he was crazy to make relations with Rekha Rani. He attempted to do so but could not succeed. He then thought that if he murders Dimple then he could get married with Rekha Rani. Hence, he connived with Gurpreet Singh @ Gaggi, who admitted that he has persons who can commit murder and demanded Rs.2 lacs, but Satish Kumar refused. After few days, Gurpreet Singh @ Gaggi agreed to do the same for Rs.1,50,000/-. The petitioner then paid Rs.20,000/- to him. On 04.09.2019, Rajiv Kumar made a phone call to him to see him near Bhawanigarh Chowk as they wanted to meet Darshan Pardhan. Then he planned with Gaggi on phone to commit murder of Rajiv Kumar on that day. Accordingly, he along with Rajiv Kumar went to the house of Darshan where he received a call from Gaggi who told him to bring Rajiv Kumar near Plaza Hotel. Then he came with Rajiv Kumar near Plaza Hotel where Gaggi was already present. The scooter of Rajiv Kumar was

motorcycle of Gaggi on the pretext of getting him a job to repair the truck. At that time, Gaggi was driving the motorcycle whereas Rajiv was sitting between them. When they reached near Environment Park the motorcycle was thrown and Rajiv Kumar was over powered by Gaggi. Gaggi told the petitioner to go back and dispose of the scooter of Rajiv Kumar. Petitioner came back and threw the scooter near the Bhakra canal Fatehpur in the bushes. Thereafter, Gaggi made a phone call to him that he had done the job, so he came back to his house and paid Rs.30,000/- to Gaggi on next day. He paid Rs.60,000/- on the other next day. Rs.40,000/- are still to be paid.

The reply further states that during further interrogation, Satish Kumar (petitioner) suffered disclosure statement on 03.10.2019 and got recovered Vespa scooter bearing registration No.PB-11-N-0642 from the bushes near Bakhra Canal in the area of Fatehpur.

It is stated that during investigation the call detail record of mobile phone number 81466-04032 of Satish Kumar (petitioner) and mobile No. 97816-54735 and 99881-77113 of Rekha Rani (along with certificates under Section 65-B of the Evidence Act) were obtained and it came to light that they were regularly in contact with each other.

It is further stated that during the course of investigation, the call details of Gurpreet Singh alias Gaggi and call details of Satish Kumar were obtained and after examining them it came to light that Gurpreet Singh alias Gaggi and Satish Kumar and deceased were found talking with each other and their locations were also indicated that on the day of occurrence, they were together.

have confirmed that the deceased along with the petitioner had come to their house on 04.09.2019 at about 7/8 PM.

It is further stated that Gurpreet Singh alias Gaggi is evading arrest and he has been declared as Proclaimed Offender on 30.09.2020.

As per viscera report the cause of death is asphyxia due to strangulation.

Ld. State counsel has stated that trial in the case has commenced. The charge against the accused- petitioner was framed on 13.10.2020 and during the course of trial, examination in chief of ASI Jagjit Singh and Head Constable Dharminder Singh are completed by the prosecution, however their cross examination was deferred. Now, the case is fixed for 07.07.2021 for prosecution evidence.

Considering the nature of the allegations and the material relied on by the prosecution no case is made out for grant of bail to the petitioner at this stage.

Petition dismissed.

June 10 , 2021

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**(HARINDER SINGH SIDHU)
JUDGE**

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No