

CRM-M-17608-2020

Date of decision: 25.06.2021

Gursewak Singh @ Gora

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Arjun Sharma, Advocate
for the petitioner.Mr. Randhir Singh Thind, DAG, Punjab
for the respondent-State.**FATEH DEEP SINGH, J. (ORAL)**

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

The petitioner/accused-Gursewak Singh @ Gora has come up in this first regular bail application under Section 439 Cr.P.C. in a case bearing FIR No.113 dated 13.06.2018 under Sections 302/201 of the Indian Penal Code registered at Police Station Lambi, District Sri Muktsar Sahib, Punjab.

The present case was got registered by Gurjant Singh, husband of deceased-Gurvinder Kaur. The brief allegations are that wife of the complainant developed illicit relationship with the

petitioner, a bachelor of the same village. When the petitioner, on intervention by the complainant, refused to break off the relationship and even did not concede to the demand of the deceased not to enter into any matrimonial alliance as per her wishes, a hatred brewed.

It is alleged that on 10.06.2018 morning, when the complainant went off his work around 11:00 AM, the petitioner took away the deceased from her house in the presence of her mother-in-law-Jasbir Kaur and, thereafter, the dead body of the deceased was found in a water channel.

Learned counsel for the petitioner *inter alia* contends that there is no medical evidence to determine the cause of the death of the deceased. It is submitted that the complainant had subsequently improved upon his version through his supplementary statement and has sought to claim that the petitioner is behind the bars for more than three years and the trial is being prolonged.

Mr. R.S. Thind, DAG, Punjab, the learned State counsel has strongly opposed the grant of bail on the grounds that the trial is underway and if allowed bail, there is every likelihood that the petitioner might influence the same.

Though, the dithering stand of the medical experts is quite apparent to reflect that no sincere efforts were ever made by the prosecution to determine the cause of death in spite of the fact that modern science and medical aids have developed a lot for such purpose. There is positive evidence having come from none other

than PW-Jasbir Kaur, mother-in-law of the deceased, that the accused and the deceased were last seen together, whereby, the accused forcibly took away the deceased and after some period, her dead body was found.

Without commenting further else it might prejudice the trial in view of the heinousness of the offence and seriousness of the allegations, no cause for grant of bail is made out and, thus, the present petition stands dismissed.

25.06.2021*Neha***(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No