

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

CRM-M 25177 of 2021 (O&M)

Date of Decision: November 30, 2021

Sharif Mohammad @ Shia ...Petitioner
Versus
State of Punjab ... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Rajinder Goyal, Advocate
for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab.

Mr. Shivam Malhotra, Advocate
for the complainant.

FATEH DEEP SINGH, J. (Oral)

Allegations against accused/petitioner Sharif
Mohammad @ Shia in this third regular bail application in case
bearing FIR No. 0043 dated 20.05.2018 under Sections 365,
302, 364, 201, 120-B of IPC and Sections 25/27/54/59 of Arms
Act registered at Police Station Tarsikka, District Amritsar Rural

are that he alongwith his co-accused non-applicants, in all, numbering 15, out of whom, one Nawabdeen has been declared as a *proclaimed offender* entered into a criminal conspiracy. In furtherance of this criminal conspiracy, it was alleged by complainant Kasamdeen father of deceased Ladi that his son had gone missing on 19.05.2018 and was “last seen” while leaving his house on his vehicle bearing registration No. PB-10 CS-5533 alongwith one Sari on the pretext of meeting his maternal uncle Masur Ali. The allegations hover around that while going the deceased had talk with someone in Gujjari dialect. Subsequent thereto during the course of arguments, it is transpired that the deceased Ladi was kidnapped by Nawabdeen, Sheera, Masoom Ali, Baga and Gama. The motive behind this occurrence is that after death of Gama his widow had entered into a wedlock with the present deceased against the wishes of the family of Gama and they had repeatedly tried to assault the deceased. It was further revealed that all the accused upon killing the deceased had buried his dead body

and after few days exhumed it and after cutting it into pieces threw it in the river.

Heard Mr. Karanjit Singh, Advocate for the petitioner, Ms. Harsimrat Rai, DAG, Punjab and Shivam Malhotra, Advocate for the complainant.

Earlier two similar bail applications have been declined by this Court. The trial is under way and one of the co-accused is still at large and if allowed bail the apprehension shown by the prosecution that there is every likelihood that the accused may influence the trial as the accused and the complainant side belong to the same very community is not unfounded. Besides the fact that the circumstantial evidence keeping in view the heinousness of the offence does not calls for grant of the bail and the contentions of the counsel for the petitioner that the petitioner is behind the bars for above three years is no extenuating circumstance and even the bail application of co-accused of the petitioner namely Junaid Ali has also been declined by this Court, this Court is not inclined to

grant bail.

Finding no merits, the instant petition stands dismissed.

November 30, 2021
amit rana

(FATEH DEEP SINGH)
JUDGE

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