

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

210

CRM-M-19953-2019

Date of decision: 22.01.2021

Jobanpreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Tarun Vir Singh Lehal, Advocate
for the petitioner.

Mr. P.S. Walia, Asstt. A.G., Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J. (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.71 dated 11.08.2018 registered under Sections 201 and 302 read with Section 34 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Ghanie Ke Bangar, District Gurdaspur.

The above said FIR was registered on statement of Jaswant Singh. In his statement Jaswant Singh inter alia alleged that he has one son Kuljit Singh, who is married with Surinder Kaur and one daughter Kulbir Kaur, who is married with Gurpreet Singh @ Sonu. On 07.08.2018 at about 02:00 P.M. he returned home and asked his daughter-in-law Surinder Kaur where Kuljit Singh was and his daughter-in-law told him that Kuljit Singh had received telephone call and left by saying that he was going to Khokhar. After half an hour he

made phone call that he would come soon and would get medicine for his son Jaideep but his son did not come in the night and his mobile phone was also switched off. They searched for him but he could not be found. On the next morning on suspicion he called Gagandeep Kaur, sister of his son-in-law Gurpreet Singh and Captain Singh, husband of Gagandeep Kaur. Father-in-law and maternal uncle of Gagandeep Kaur also accompanied them. His daughter Kulbir Kaur and Baldev Singh, paternal uncle of his daughter-in-law and other relatives were also present. In their presence he asked Gagandeep Kaur to ask Gurpreet Singh that if he has done something wrong then he could disclose and they would not say anything to him. Gagandeep Kaur said that they (Gagandeep Kaur and Captain Singh) would call her brother Gurpreet Singh and asked him (the complainant) to send Kulbir Kaur and one relative with them. Kulbir Kaur and Baldev Singh accompanied them. On 11.08.2018 at about 06:00 P.M. Kulbir Kaur and Baldev Singh returned and told him that Gurpreet Singh had visited the house of his sister Gagandeep Kaur and told her that he after murdering Kuljit Singh had buried his dead body after digging a pit in his paddy fields in village khokhar and by asking them to dig and take out the dead body left from there. Thereupon, he informed his relatives and he along with his brother Bhagwant Singh, relative Baldev Singh and others reached the spot and observed the pit in the paddy fields of his son-in-law Gurpreet Singh from which foul smell was coming. His son-in-law Gurpreet Singh had murdered his son Kuljit Singh after calling him from his house because Gurpreet Singh was demanding share in their

land and his son Kuljit Singh was opposing the same. Pursuant to registration of the FIR, the police went to the paddy fields and recovered the dead body. The police investigated the case and on completion of investigation charge-sheeted Gurpreet Singh and Jobanpreet Singh (the petitioner).

The petitioner being in custody has filed the present petition for grant of regular bail.

The petition has been opposed by learned State Counsel in terms of short reply filed by way of affidavit of Balbir Singh, PPS, Deputy Superintendent of Police, Fatehgarh Churian, Police District Batala, District Gurdaspur on behalf of respondent-State.

Custody certificate has been filed by the learned State Counsel through e-mail print out of which is taken on record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. The petitioner was not named in the FIR. Name of the petitioner cropped up in the statements of Hardev Singh and Jagraj Singh who also happened to be relatives of the complainant and were present at the time of recovery of the body. As per the story of the complainant, all the relatives of the complainant were searching for dead body of Kuljit Singh. Then how come Hardev Singh and Jagraj Singh did not apprise the complainant about having last seen Kuljit Singh with Gurpreet Singh and what Gurpreet Singh told them. The story of Hardev Singh and Jagraj Singh does not fit well with the story of the complainant.

There was a dispute between Gurpreet Singh and the petitioner qua the

measurement of the fields and the petitioner got his land released from his possession by getting the same demarcated which led to bad blood between them. This fact also makes the prosecution version as to conspiracy between them to murder Kuljit Singh doubtful. The petitioner is in custody since 15.08.2018. The trial is likely to take long time due to restrictions imposed to prevent spread of Covid-19 and no useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has submitted that the petitioner and Gurpreet Singh were last seen with the deceased by Jagraj Singh and Gurpreet Singh made extra-judicial concession to Hardev Singh as to having murdered Kuljit Singh in conspiracy with and participation by the petitioner. Out of 19 prosecution witnesses, 18 prosecution witnesses have been examined. The trial is not likely to take long time and can be expedited. In view of the nature of accusation and gravity of the offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner and the fact that out of 19 prosecution witnesses 18 prosecution witnesses have already been examined and the trial is not likely to take long time and can be expedited, but without commenting on the merits of the case, I am of the considered view that the petitioner does not deserve grant of regular bail.

Accordingly, the petition for grant of regular bail to the

petitioner is dismissed.

However, in view of the observations made by Hon'ble Supreme Court in *Doongar Singh Vs. State of Rajasthan 2018 (1) RCR Criminal 256, State of U.P. Vs. Shambhu Nath Singh and others, 2001 (2) R.C.R. (Criminal) 390, Hussain and another Vs. Union of India 2017(2) RCR Criminal 312* and *Thana Singh Vs. Central Bureau of Narcotics 2013(1) R.C.R(Criminal) 861*, the trial Court is directed to expedite trial and conclude the trial preferably within a period of three months from the date of receipt of copy of this order by conducting trial on day to day basis as far as possible and by allocating block of dates for the trial as directed by Hon'ble Supreme Court and by issuing coercive process for securing presence of the prosecution/defence witness, if so required.

In case of non-appearance of the prosecution/defence witness, the trial Court shall take appropriate action against the concerned prosecution/defence witness absenting without any lawful excuse by filing complaint under Section 174 of the IPC or taking proceedings under Section 350 of the Cr.P.C. against him.

A copy of this order be sent to the trial Court concerned for requisite compliance.

22.01.2021

Vinay

**(ARUN KUMAR TYAGI)
JUDGE**

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