

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.29939 of 2021
Date of Decision: August 03, 2021

Lakhwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ranbir Singh Sekhon, Advocate,
for the petitioner.

Mr. Ramandeep Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.72 dated 29.08.2019, under Section 364 IPC, 1860 and Section 302 IPC (added later on), registered at Police Station, Lakhewali, District Sri Muktsar Sahib. The petitioner is in custody since his arrest on 30.08.2019.

The above FIR was registered on the statement of complainant Sher Singh, who stated that the marriage of his son Bittu Singh was solemnised with Veerpal Kaur about twenty five years back and they have three children, i.e., two daughters Gagandeep Kaur, Manpreet Kaur and a son, namely, Dilpreet Singh from this wedlock. Lakhwinder Singh used to come in the house of Bittu Singh, but Dilpreet Singh and Veerpal Kaur did not like his visits, and Dilpreet Singh used to fight with his mother Veerpal Kaur, who was close to Lakhwinder Singh. Due to this reason, they used to

beat Dilpreet Singh. The complainant's daughter-in-law Veerpal Kaur went to the in-laws house of his grand-daughter Gagandeep Kaur at village Duhewala for looking after her as she was operated upon. The complainant suspected that his grandson Dilpreet Singh was kidnapped by his daughter-in-law Veerpal Kaur and Lakhwinder Singh. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner has argued that complainant (Sher Singh), suspected illicit relations between his daughter-in-law, namely Veerpal Kaur and Lakhwinder Singh (petitioner) and lodged the FIR regarding the abduction of his grandson Dilpreet Singh son of Bittu Singh. According to him, the victim (Dilpreet Singh) died of drowning on 23.08.2019 and after recovery of his dead body, the inquest proceedings were conducted on 26.08.2019. He submits that during the investigation, co-accused Veerpal Kaur was found innocent and the final report under Section 173(2) Cr.P.C. was filed against the petitioner only. According to him, the case of the prosecution is based upon circumstantial evidence and as complainant Sher Singh has already been examined as a witness before the trial court, therefore, his further custody may not be necessary. He prays for regular bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by ASI Harjinder Singh, on the ground that the victim died of drowning and as per the statement of prosecution witness, namely, Chamkaur Singh, he had seen the petitioner pushing the victim in the canal. According to him, the said witness is yet to be examined as only one witness (complainant) has been examined out of total seventeen prosecution witnesses.

At this stage, learned counsel for the petitioner has invited the attention of the court to the statement of Chamkaur Singh recorded under Section 161 Cr.P.C. on 29.08.2019 and submitted that the said witness is related to the complainant and he has only identified the dead body of the victim in the mortuary on the said day. He submits that it was on 30.08.2019, his supplementary statement was recorded, wherein the alleged version of last seen was introduced by this witness. According to him, in the given facts, the further custody of the petitioner may not be justified.

After hearing the learned counsel for the parties, considering the above background as well as the custody of the petitioner, this court finds that the complainant has already been examined by the prosecution and the other material witnesses are either close relatives of the victim/complainant or police officials and there does not seem to be any possibility of their being won over. The petitioner was arrested on 30.08.2019 and his further detention may not be necessary for any useful purpose as trial is likely to consume considerable time to conclude.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Sri Muktsar Sahib.

August 03, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No