

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

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**CRM-M-40093-2020
Date of decision: 31.08.2021**

Gobind Singh @ Gobind**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. G. S. Bawa, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition, filed under Section 439 Cr.P.C., is for grant of regular bail to the petitioner in case FIR No. 48 dated 13.08.2019, registered under Sections 302, 201, 34 of the IPC (Sections 120-B, 148, 149 of the IPC added and Section 34 deleted later on) at Police Station Verka, District Police Commissionerate, Amritsar.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant Baljit Singh, it is stated that he is employed in a school and his son Prabhkirat Singh, aged about 16 years, is a student of DAV School, Verka. It is further stated that on 13.08.2019, his son has gone to play Cricket on his Activa Scooter and carried his bat along with him, however, he did not return home and the complainant searched for him but could not find him. Later on, he came to

know that his son has been kidnapped by Deepu and his brothers Vicky, Ajay and petitioner Govind in a car bearing registration number PB -18K-2896 and they have murdered him and thrown him in a canal. The complainant took out his son from the canal and took him to the hospital, where he was declared brought dead. The motive behind the occurrence is that the complainant and his wife were government employees and with an intention to demand ransom, the accused persons, who are having no job, in order to extract ransom, have kidnapped the complainant's son and committed his murder.

Learned counsel for the petitioner further submits that in fact it is a blind murder and there is no evidence of the same. It is also submitted that the car was recovered from accused Gautam Soni @ Deepu; the scooter of the deceased was recovered from another co-accused Shiv Kumar @ Popo; the gas pipe, which was used for committing murder of Prabhkirat Singh, was recovered from the house of Narayan Singh and the mobile phone of the deceased was also recovered from the house of Narayan Singh.

Learned counsel for the petitioner further submits that the petitioner, being real brother of co-accused Narayan Singh, has been falsely implicated in this case without any evidence.

Reply, by way of affidavit of the Investigating Officer, is on record. As per the affidavit, during investigation, it is found that for the purpose of extracting ransom from the complainant, his son Prabhkirat Singh, aged about 16 years, was kidnapped. All the accused persons, named in the FIR, asked Prabhkirat Singh to make a phone call to his father and demand money, however, Prabhkirat Singh tried to run away. Thereafter, Shiv Kumar forced Prabhkirat Singh into the car and Gautam Soni caught

hold of his legs, Jatin Soni and Shiv Kumar opened window of the car and caught hold Prabhkirat Singh from his hair and on the asking of his father Harinderpal Singh, Gobind Singh (petitioner) and Narayan Singh took gas pipe from the car and strangulated Prabhkirat Singh. When Prabhkirat Singh tried to shout, Harinderpal Singh pressed his mouth tightly till the time he died. Thereafter, all the accused put him in the boot of the car and threw the dead body in Fatehgarh Shukarchak canal and left the car under the flyover.

Learned State counsel submits that a scientific investigation was conducted and the car as well as the scooter of the deceased were recovered on the basis of the disclosure made by co-accused Shiv Kumar @ Popo and Narayan Singh. Even the gas pipe, used for strangulating the deceased and his mobile phone make Samsung J7 were also recovered from the house of co-accused Narayan Singh, who is real brother of the present petitioner and both of them, along with their father, have a common house/residence.

It is further submitted that *challan* has already been presented and one of the co-accused, Shiv Kumar @ Popo, was declared a juvenile.

After hearing learned counsel for the parties, considering the serious allegations against the petitioner and the manner in which a minor was brutally murdered for ransom, I find no ground to grant concession of regular bail to petitioner.

Accordingly, the present petition is dismissed.

31.08.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*