

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

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CRM-M-44475-2021

Date of decision: 16.11.2021

Baljit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. P.S. Hundal, Sr. Advocate with
Mr. Prashant Mahajan, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab
for the respondent-State.

MANJARI NEHRU KAUL, J. (ORAL)

This is the first petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.43 dated 24.09.2017 lodged under Sections 365 and 120-B IPC (Sections 364, 302 and 201 IPC added lateron) registered at Police Station Ghanie Ke Bangar, District Gurdaspur.

A prayer has been made for extending the concession of regular bail to the petitioner, who has been in custody since 21.01.2021, for conspiring with co-accused Ranjit Singh to carry out the alleged murder of deceased Amarjit Kaur. It has been contended by learned senior counsel for the petitioner that there was no evidence much less qualitative in nature to connect the petitioner with the crime in question which is evident from the fact that neither was he named in the FIR in question nor did he belong to the village of the complainant or the deceased or even the village of the alleged paramour (co-accused Ranjit Singh) of the deceased. Learned senior counsel has submitted that the petitioner was arrayed as an accused on the basis of a disclosure

statement allegedly made by co-accused Ranjit Singh before the police during investigation. It has been submitted that such disclosure statement has very weak evidentiary value and apart from the aforementioned there was no other material collected by the investigating agency to connect him with the crime in question.

Per contra, learned State counsel while opposing the prayer and submissions made by learned senior counsel for the petitioner, has invited the attention of this Court to the reply filed. It has been submitted that during investigation it came to light that co-accused Ranjit Singh @ Sabha (alleged paramour of the deceased) along with the present petitioner, after catching hold of deceased Amarjit Kaur had killed her and thereafter thrown her dead body in a canal. Learned State counsel has further submitted that during investigation, the call record details of the mobile phone of the deceased with IMEI No.357142087246020 dated 02.04.2017 were obtained and the location was found to be in the vicinity of drain Kohali where the petitioner along with the co-accused had dumped the dead body of the deceased. Learned State counsel has further submitted that it had also come to light from the call details of mobile No.99146-12165 of Idea Company, that the petitioner had used the mobile handset of deceased Amarjit Kaur bearing IMEI No.357142087246020, soon after the alleged occurrence on 02.04.2017. Learned State counsel in support, referred to Annexures R-3 and R-4, wherein it clearly stood revealed that on 12.04.2017 after the commission of the alleged crime, the petitioner had been using the mobile handset of the deceased. Learned State counsel further submitted that another clinching piece of evidence which nailed

the petitioner in the crime in question was the recovery of the motorcycle used in the crime in question, from the house of the petitioner himself. Learned State counsel has, therefore, urged that both these material circumstances when appreciated in totality pointed to the active involvement of the petitioner and the co-accused in the crime in question. Learned State counsel still further contended that only 03 prosecution witnesses out of 43 witnesses cited had been examined and since the trial was at a very crucial stage there was every likelihood of the petitioner tampering with material evidence and even absconding in the wake of his antecedents as prior to the presentation of the challan in the instant case, the petitioner had absconded and had been declared a proclaimed offender and, it was only as recently as on 20.01.2021 that he was arrested.

I have heard learned counsel for the parties and perused the material on record.

In the facts and circumstances as enumerated hereinabove coupled with the fact that the prosecution evidence is underway, this Court does not deem it appropriate to extend the concession of bail to the petitioner.

Dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

16.11.2021

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(MANJARI NEHRU KAUL)
JUDGE

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