

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(218)

CRM-M-46105-2021
Date of decision:- 24.11.2021

SHINDERPAL SINGH ALIAS SHINDER

...PETITINOER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Neeraj Madaan, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

...

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

This is the third petition filed under Section 439 of the Code of Criminal Procedure, 1973 seeking grant of regular bail in case FIR No.41, dated 04.06.2019 registered under Sections 302 and 34 of the Indian Penal Code, 1860 (Section 201, IPC was added later on) at Police Station Lakhewali, District Sri Muktsar Sahib, Annexure P-1.

As per the version of the prosecution, FIR was registered on the statement of Ram Singh, father of the deceased, Soma Rani, who stated that the marriage of his daughter was solemnized with the petitioner 04 years ago and a daughter was born out of the wedlock. About 04 months ago, the deceased started staying at her parental home due to marital discord. A complaint was submitted in Police Station, but due to elections, the dispute could not be sorted out. On 03.06.2019 at 9.30 pm, the petitioner made a

video call to the deceased and asked her to compromise the matter. His daughter informed him about the call. The next morning, she was found dead in the agricultural field of one Balwinder Singh. He suspected that his son-in-law strangled her to death with her “chunni” in connivance with his brother Kuldeep Singh and some other persons. The petitioner was arrested on 10.06.2019.

Counsel for the petitioner submits that the first petition (CRM-M-36600-2020) seeking grant of regular bail was dismissed by this Court on 16.11.2020 as both the complainant as well as Gurnam Singh, before whom allegedly, an extra judicial confession was made, had not been examined. He submits that the second petition (CRM-M-21129-2021) filed before this Court was permitted to be withdrawn on 09.08.2021 with liberty to approach the trial Court in view of the change in circumstances as both the said witnesses had been examined. Counsel has taken the Court through the testimony of both the complainant, Ram Singh as well as Gurnam Singh, Annexures P-2 and P-3, respectively, to submit that there are major inconsistencies in their statements. Still further, he urges that Gurnam Singh has been declared a hostile witness on request of the prosecution and there is no link evidence with prosecuting agency to connect the petitioner with the crime. Counsel asserts that the petitioner, who has an unblemished past and is in custody since 10.06.2019, deserves to be enlarged on bail as the trial is at the initial stage.

Per contra, learned State counsel, upon instructions from, SI, Dharampal has opposed the petition and has submitted that the petitioner

has been specifically named, along with his brother Kuldeep, as accused in the FIR, which has been lodged by the father of the deceased. He submits that initially two persons were named as accused besides one unknown person, who was later found to be Balwinder Singh, and he has been ordered to be released on bail by this Court vide order dated 16.10.2020, Annexure P-5, passed in CRM-M-23263-2020. As per his instructions, 04 out of 23 prosecution witnesses have been examined.

Having considered the facts and circumstances of this Court, this Court is prima facie of the view that the complicity of the petitioner in the homicide of Soma Rani shall remain debatable. Material witnesses have been examined and the petitioner, who is in custody for the last more than two years and five months, would be entitled to be enlarged on bail as the trial is likely to take time to conclude.

Without examining the merits or de-merits of the arguments addressed by the counsel for the parties, the petition is allowed. The petitioner, namely, Shinderpal Singh alias Shinder, is ordered to be released on bail on his furnishing adequate bail/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

24.11.2021
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No