

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-42633-2020 (O&M)
Date of Decision:-31.3.2021

Shaminder Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sanjay Kaushal, Senior Advocate with
Mr. Aman Dhir, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab,
assisted by SI Gurdeep Singh.

GURVINDER SINGH GILL, J.(Oral)

CRM-10096-2021

In view of the reasons mentioned in the application, the same is allowed and the documents annexed with the application are taken on record as Annexures A-1 and A-2.

CRM-M-42633-2020

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.35 dated 13.3.2019 under Sections 302, 201, 34 and 120-B of Indian Penal Code at Police

Station Kotbhai, District Sri Muktsar Sahib, wherein offences under Sections 306, 201 and 34 IPC have been added and Section 302 IPC was deleted later on.

2. The FIR was registered at the instance of Gurtej Singh wherein he has alleged that his sister Rashpinder Kaur was married to Shaminder Singh about 27 years back and who had been blessed with two children namely son Khushdeep Singh and daughter Sumandeep Kaur. It is alleged that after the marriage of his nephew Khushdeep Singh, complainant's brother-in-law Shaminder Singh used to quarrel with complainant's sister and consequently with the intervention of the relatives, they started residing separately. While, Shaminder Singh's father used to reside with complainant's sister, other members of the family used to reside separately with Shaminder Singh. It is alleged that since there was a marriage on 14.3.2019 in the parental village of complainant, therefore, his sister also came to parental village 7-8 days prior to the marriage. However, on 12.3.2019, at about 8 A.M., the complainant and his sister came to know that Sumandeep Kaur, daughter of complainant's sister, had expired. Somehow, Shaminder Singh never informed them about her death. The complainant along with his sister Rashpinder Kaur and other relatives reached village Kothe Duljewala where Shaminder Singh informed them that Sumandeep Kaur had died on account of 'Swine Flu' and that they had also taken her to Delhi Heart Hospital, Bathinda and further that the doctor had advised them to immediately cremate Sumandeep Kaur. The complainant alleged that upon inquiries, they came to know that his niece had never been taken to any hospital and had infact been murdered as Shaminder Singh doubted the character of complainant's niece Sumandeep Kaur. The complainant alleged that he

strongly suspects that Shaminder Singh, Veerpal Kaur, Kulvir Singh @Keera, Gurdeep Singh and Baljit Singh had murdered Sumandeep Kaur in conspiracy with each other and had cremated her without informing the complainant.

3. The learned counsel for the petitioner has submitted that it is a case where the alleged murder/suicide has not been witnessed by anybody and that the petitioner has been involved merely on the basis of suspicion as he is alleged to have doubted the character of his daughter Sumandeep Kaur (deceased), who was found in possession of a mobile phone, which had not been purchased by her father i.e. the petitioner or any other member of her family. Learned counsel has further submitted that, in any case, since other co-accused has already been granted bail and the complainant already stands examined, further detention of the petitioner will not serve any purpose as the conclusion of trial is likely to consume substantial time.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is the main accused, who did have a motive to eliminate Sumandeep Kaur, no case for grant of bail is made out particularly since the complainant, while in the witness box, has fully supported the case of prosecution.
5. I have considered rival submissions addressed before this Court.
6. It is a case of blind murder or can be said to be a case of suicide as the Trial Court, while framing charges for offence under Section 302 IPC, has also framed alternate charges for offence under Section 306 IPC. The petitioner is none else but father of the deceased. The complainant already stands examined. The petitioner has been behind bars since the last about 1 year

and 9 months and till date only 3 out of cited 34 PWs have been examined. In these circumstances, further detention of the petitioner, who is stated to be aged 65 years, will not serve any useful purpose as conclusion of trial in its normal course is likely to consume time. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

31.3.2021

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No