

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

CRM-M-8647-2022
Date of decision : 24.11.2022

PRITAM SINGH

....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Tarun Sharma, Advocate
for the petitioner.

Mr. Madhur Sharma, AAG, Punjab.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.0042 dated 22.04.2021, registered for the offence punishable under Section 302 of the Indian Penal Code, 1860 (Section 201, 120-B IPC added later on) at Police Station Badhni Kalan, District Moga.

2. Status report by way of affidavit of Inspector Partap Singh, No.90/FR, SHO/Investigation Officer, PS Badhni Kalan, District Moga along with annexures R1/T has been filed on behalf of the respondent/State today in Court. The same is taken on record.

3. As per the status report filed by the State, the petitioner was implicated for having been seen with the main accused Sewak Singh in Alto Car while taking body of the deceased and w.r.t. the same CCTV footages

have also been made part of the Challan and the DDR entry *qua* that also was made which is part of report filed under Section 173 Cr.P.C.

4. Ld. Counsel for the petitioner submits that even if whole of the evidence against the petitioner is taken to be gospel truth, the same would not attract offence punishable under Section 302 IPC but the same would at the most constitute offence under Section 201 IPC.

5. Ld. State Counsel on the other hand submits that the fact of witnesses having turned hostile will not make any difference as a cogent and scientific evidence in form of CCTV footages has unearthed during the course of investigation which yokes the petitioner to the present case.

6. I have heard counsel for the parties and have gone the records of the case.

7. In the considered opinion of this Court, the matter pertains to the death of Karamjit Kaur who was last seen in the company of co-accused Sewak Singh. Further Sewak Singh along with the petitioner have been found to be taking away the body of the deceased in the CCTV footage which is in possession of the Agency and has been made part of Report filed under section 173 Cr.P.C. Thus, at this stage it cannot be even *prima facie* said as to whether the evidence on record would constitute offence *qua* the petitioner punishable only under Section 201 IPC. It will be too early in the day to record *prima facie* satisfaction that offence punishable under Section 302 IPC is not made out against the petitioner.

8. Keeping in view the seriousness of the allegations levelled

against the petitioner, no ground for grant of bail at this stage is made out.

9. Consequently, the present petition is dismissed.

November 24, 2022

Dpr

(PANKAJ JAIN)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No