

239

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

CRM-M-9595-2022

Date of decision : 10.03.2022

Sikander Singh @ Lala @ Kuldeep SinghPetitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rajvir Singh, for the applicant-petitioner.
Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.139 dated 12.07.2021 under Section 365 Indian Penal Code, 1860 (Sections 302 and 364 IPC added later on) registered at Police Station City Rupnagar, District Rupnagar, who is in custody since his arrest on 15.07.2021.

The contents of the FIR as noticed by learned Additional Sessions Judge, Rupnagar in his order dated 15.02.2022 are as under:-

“The present case has been registered against the petitioner/accused on the statement of complainant Mano Devi wife of Darshan Singh. She had informed the police that she is having four sons and one daughter. On 10.07.2021 at about 03.00 PM, accused /petitioner Sikander Singh @Lala came to their house and took her son namely Raju @Motu with him. Her son Raju @Motu did not return home even

after three days. She along with her relatives at their own level tried to trace out her son Raju @Motu, but they could not found him. She has further stated before police that she is assured that her son Raju @Motu has been kept hidden by petitioner/accused Sikander Singh @Lala with bad intentions and action should be taken against said Sikander Singh @Lala.”

Learned counsel for the petitioner has argued that as per allegations in the FIR, complainant's son, namely, Raju left his house with petitioner and did not return for three days and the FIR was registered for the offence punishable under Section 365 IPC. He submits that after five days, the dead body of the victim was recovered from canal, who died of drowning and the petitioner has been falsely implicated for the alleged murder of Raju. Learned counsel had drawn the attention of the Court to the depositions of complainant-Mano Devi (Annexure P-2), who appeared before the trial Court as PW-1 and admitted in cross-examination that she was residing at Kishanpura, Nalagarh and she came to the house of her son on 12.07.2021. He submits that there is material variation in the version and her deposition may not lend any support to the prosecution case, who initially claimed herself to be present at the house at 3.00 PM when the victim left with the petitioner. He has further drawn the attention of the Court to the other depositions of material witnesses, but according to him, PW-4-Dharamveer has been declared hostile. He has pointed out that the investigation of the case is complete, therefore, further custody of the petitioner may not be necessary. He prays for bail.

On the other hand, learned State counsel assisted by ASI Khushal Singh has opposed the prayer and has argued that the petitioner came to the house of the victim, who accompanied with him and later his dead body was found and as the victim was lastly seen with the petitioner, therefore, at this stage, it cannot be said that he has been falsely implicated. He has referred to the testimony of PW-2, namely, Raj Kumar @ Kala, brother of the victim, who stated that he was present at home when victim left house. He further states that in all there are 17 prosecution witnesses and only 5 witnesses have been examined so far.

After hearing learned counsel for the parties, considering the above background, particularly the custody of the petitioner and the fact that the trial will take considerable time to conclude as twelve witnesses are yet to be examined, this Court is of the opinion that further detention of the petitioner, behind the bars may not serve any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

10.03.2022

vanita

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No