

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

228

CRM-M-16463-2022

Date of Decision : April 28, 2022

HARPREET SINGH @ GOLDY

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Bhanu Pratap Singh, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.94 dated 23.6.2020 under Sections 302/201 and 120-B IPC, registered at Police Station Sadar Hoshiarpur, District Hoshiarpur.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 23.6.2020 and the case is fixed for prosecution evidence. He submitted that it is a case where the allegation against the petitioner is that he is having illicit relation with one Nirmal Kaur and the present FIR was lodged at the behest of Amandeep Singh, who is the husband of Nirmal Kaur. He further submitted that earlier the daughter of the complainant had also died in the hospital but the same has been disputed as to whether she had died in the hospital or not. Thereafter the dead body of Nirmal Kaur was also found and as per the Chemical Examiner report, it was due to axphysia . He submitted that the allegation against the petitioner is that he had illicit relation with Nirmal Kaur and due to this fact he had caused the death of aforesaid Nirmal Kaur. He further submitted that another co-accused, namely, Sarabjit Kaur @ Mindy, who is the aunt of the present petitioner purchased the

house of Nirmal Kaur a few days before her death and it was due to this reason that some suspicion was raised with regard to the petitioner. He further submitted that the entire case is based upon suspicion and circumstantial evidence on the ground that the petitioner had illicit relation with Nirmal Kaur, who had died. He submitted that the other aforesaid co-accused, namely, Sarabjit Kaur @ Mindo and three other co-accused have been granted bail by this Court. He further submitted that the petitioner has clean antecedents and is not involved in any other case and, therefore, considering the custody of the petitioner, he may be considered for the grant of regular bail.

On the other hand, the learned State counsel has submitted that the petitioner is not at parity with the aforesaid co-accused Sarabjit Kaur @ Mindo and other co-accused as he is the main accused and as per the allegation he had illicit relation with deceased-Nirmal Kaur. The custody of the petitioner has not been disputed by the learned State counsel and it is also not disputed that the petitioner is not involved in any other case.

I have heard the learned counsels for the parties.

The petitioner is in custody from 23.6.2020 and the other co-accused have been granted bail by this Court. So far as the parity of the petitioner with the other co-accused is concerned, this Court is in agreement with the learned State counsel that the petitioner is not at parity with the other co-accused but at the same time while considering the merits of the present case of its own, this Court is of the considered opinion that the petitioner is in custody from 23.6.2020 and as per the allegation a suspicion has been raised that the petitioner was having illicit relation with the Nirmal Kaur-deceased and the said suspicion was fortified on the ground that the aunt of the petitioner, namely, Sarabjit Kaur @ Mindo had purchased the house of Nirmal Kaur a few days before her death. The case is based upon circumstantial evidence and the petitioner has already suffered incarceration for more than 1½ years. As per the learned counsel for the parties, the petitioner is not involved in

any other case and has clean antecedents. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may abscond from justice.

Therefore, considering the totality of the circumstances of the present case, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

April 28, 2022

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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No