

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(213-3)

CRM-M-25632-2022
Date of decision:- 09.11.2022

Lovepreet Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rahul Sharma, Advocate for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab for State-respondent.

SUVIR SEHGAL, J. (ORAL)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short “the Code”) seeking grant of post-arrest bail in case FIR No.89 dated 24.08.2019, registered for offences under Sections 364, 365, 302, 201, 120-B and 34 of the Indian Penal Code, 1860 (for short “IPC”), at Police Station Sudhar, District Ludhiana Rural, Annexure P-1.

Version of the prosecution is that FIR, Annexure P-1, has been registered on the statement of Ranjit Singh on the allegation that his daughter Kuljit Kaur was married to Gurcharan Singh, who works in the Army. After a quarrel with her in-laws, for the last one year she has been staying on rent at Sudhar Bazar with her husband's approval, who used to meet all the household expenses and stay with her as well as visit his native village from time to time. He has alleged that his daughter is missing since 09.08.2019 and he suspects that she has been kidnapped.

Counsel for the petitioner submits that Gurcharan Singh, son-in-law of the complainant, was arrested on suspicion and on the basis of his disclosure statement, petitioner was arrested. It is his argument that the allegation against the petitioner is that he along with co-accused, Tapinder Singh @ Amna had disposed of the dead body of the deceased. It is his categorical case that the petitioner is not accused of homicide. He asserts that the petitioner, who has clean antecedents and is in custody since 13.11.2021, is no longer required for custodial interrogation as final report has been submitted. He has made a prayer for temporary release of the petitioner and has relied on order dated 10.11.2020, Annexure P-3, passed by this Court, whereby co-accused Tapinder Singh @ Amna has been released on bail.

Per contra, learned State counsel, upon instructions from ASI, John Masih and by making a reference to the short reply filed to the petition has submitted that although co-accused, Tapinder Singh @ Amna, was released on bail, but he did not appear before the Trial Court and proclamation proceedings were initiated against him under Section 82 of the Code. State counsel submits that pursuant to order passed by this Court, co-accused, Tapinder Singh @ Amna has surrendered, charge has been framed and trial has started, though no prosecution witness has been examined.

I have heard counsel for the parties and examined the material placed on the record with their able assistance.

Considering the nature of allegations levelled against the petitioner, the role ascribed to him, custody period of almost one year and

the fact that the trial is at a nascent stage, this Court is of the view that the petitioner deserves to be enlarged on bail during the pendency of the trial.

Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate concerned.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

09.11.2022

Kamal

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