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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-43195-2020

Date of Decision: January 06, 2022

Amandeep Singh @ Amana

.....Petitioner

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ**

Present: Mr.Buta Singh Bairagi, Advocate  
for the petitioner.

Ms.Sakshi Bakshi, AAG, Punjab.

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**RAJESH BHARDWAJ, J.**

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Instant petition has been filed under Section 439 Cr.P.C. praying for grant of regular bail to the petitioner in case FIR No.77, dated 01.09.2020, under Sections 302, 201 IPC (Section 376 IPC and Section 4 of POCSO Act, added later on), registered at Police Station Ajitwal, District Moga.

As per the factual matrix of the case, the present FIR was lodged by Jaswinder Singh 04/LRT SHO. It was mentioned in the FIR that when the complainant-SI/SHO alongwith his staff was on patrolling and came near railway track at new Churchuk, then secret informer informed that the victim (name concealed), daughter of Sarban Singh @ Kala, resident

Amandeep Singh @ Amana and his house is near her house. The father of the victim when came to know about the love affair of his daughter with Amandeep Singh, then in the intermediate night of 31.08.2020-01.09.2020, he killed his daughter. To hide the dead body the same was thrown in the pond of Gill Patti village Chaurchuck. The dead body is lying in the pond.

On receipt of this information, the FIR was lodged and investigation commenced. During investigation, the petitioner was arrested on 01.09.2020. He approached the learned Additional Sessions Judge, Moga for the grant of bail. However, after hearing both the sides, learned Additional Sessions Judge, Moga, declined the same vide order dated 02.12.2020. Aggrieved by the same, the petitioner has approached this Court praying for grant of bail.

It has been contended by learned counsel for the petitioner that petitioner has been falsely implicated in the FIR as the case is hand is without any evidence against the petitioner. He has argued that the confessional statement of co-accused Sarwan Singh, who is none other than the father of the deceased, under Section 27 of the Indian Evidence Act was recorded on 02.09.2020 wherein he had confessed that on the intermediate night of 31.08.2020-01.09.2020, he alongwith his wife Veerpal Kaur and his son were sleeping in the room. When he woke up in the night, he found his daughter (victim) was not present in the bed. He was already suspicious about illicit relationship of her daughter with Amandeep Singh @ Amana, i.e. the petitioner. He went in search of his daughter. He found his daughter in objectionable position with Amandeep Singh. After seeing Sarwan Singh, Amandeep Singh @ Amana fled from the spot. However, his mobile phone fell down on the spot at the time of fleeing. He snatched the mobile phone

of his daughter from her. Out of anger, he strangled his daughter with thumb and after murdering her, threw her dead body in the pond. He concealed the mobile phone of his daughter and that of Amandeep Singh in fodder straw. The counsel further argued that memo of recovery of mobile phones was also made on 02.09.2020 and the same is placed on record as Annexure P-4. He has also placed reliance on the phone calls of the mobile phones. He further argued that ocular version of the prosecution is not medically corroborated. He has drawn attention of this Court to the post mortem report of the body wherein no injury has been found to be caused to the deceased. Counsel for the petitioner vehemently contends that no offence under Section 376 IPC and Section 4 of the POCSO Act is made out, as alleged against the petitioner. He has primarily placed reliance on the confessional statement recorded under Section 27 of the Indian Evidence Act of Sarwan Singh and has argued that father of the victim is the main accused whereas the petitioner has been falsely implicated in this case. He submits that petitioner is behind bars since 01.09.2020, hence, he deserves to be enlarged on bail.

On the other hand learned State counsel has opposed the submissions made by the counsel for the petitioner. She has argued that petitioner has played a specific role in the offence, as alleged. She has submitted that complicity of the petitioner in the heinous offence is writ large since beginning. She further submits that there were specific allegations that the petitioner had relationship with the deceased who was a minor and even if there was a consent, as argued, on the part of the deceased, the same has no legal sanctity as the deceased was a minor. She

further submitted that in all there are 17 prosecution witnesses and none of

them has been examined so far. She submits that releasing the petitioner on bail would hamper the ongoing trial.

Heard.

There is no gainsaying that the deceased was a minor. It can be inferred from the facts and circumstances of the case that there was a relationship between the petitioner and the deceased. The arguments raised by counsel for the petitioner would be a subject matter of appreciation on the basis of evidence led before the trial Court. The case in hand pertains to heinous offence wherein the allegations of rape and murder are alleged. Granting bail to the petitioner may have adverse impact on the ongoing trial.

In the overall facts and circumstances, this Court does not find it appropriate to release the petitioner on bail. Hence, the present petition being devoid of any merit is hereby dismissed.

January 06, 2022  
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( RAJESH BHARDWAJ )  
JUDGE

1. Whether speaking/reasoned ?
2. Whether reportable ?

Yes/No  
Yes/No