

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-50350-2021 (O&M)
Date of Decision:-18.5.2022

Satdev

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Arnav Sood, Advocate for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab,
assisted by ASI Kaushal Chander.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.87 dated 26.4.2020, Police Station Garhshankar, District Hoshiarpur, under Sections 302, 201 and 120-B of Indian Penal Code.
2. The case of the prosecution is that on 26.4.2020, when a police party headed by Inspector Iqbal Singh, was present near Rest House, Garhshankar in connection with checking, then a secret informer furnished information to the effect that Jaspreet Kaur had left her house without informing her parents on 24.2.2020 and the family suspected the hand of Amanpreet Singh @ Aman in

the same. However, on the next day, Jaspreet Kaur was found at Railway Station and, as such, her mother Balwinder Kaur stated that they did not want to initiate any action. Jaspreet Kaur was taken back to home. However, on the night intervening 25/26.4.2020 Balwinder Kaur, Satdev (uncle of the deceased) Swaraj @ Mani, Gurdeep and Lala in connivance with each other administered sleeping tablets to Jaspreet Kaur and thereafter while she was sleeping, strangled her to death, being enraged on account of Jaspreet Kaur having spoiled their reputation. The information was further to the effect that Gurdeep, Satdev and the others had cremated dead-body of Jaspreet Kaur at about 2-2:30 a.m. with an intention to cause disappearance of the body and that infact the pyre was still lit.

3. Learned counsel for the petitioner submitted that the entire family of Jaspreet Kaur has been roped in falsely and that infact there is no evidence to suggest that Jaspreet Kaur had died a homicidal death. It has further been submitted that the petitioner is '*chacha*' (uncle of the deceased) and is residing separately from the residence of Jaspreet Kaur (deceased) and, as such, it cannot be said that he had joined hands with other co-accused for eliminating Jaspreet Kaur. Learned counsel for the petitioner has submitted that the star witness of the prosecution pertaining to "last seen" evidence i.e. PW-2 Paras Ram has already resiled.
4. Opposing the petition, learned State counsel has submitted that since the dead-body of Jaspreet Kaur had been cremated hurriedly and the petitioner is closely related to the deceased and it is a case of "honor killing", therefore, the petitioner does not deserve any concession of bail. Learned State counsel has, however, informed that the petitioner as on date has been behind bars

since the last more than 2 years. Learned State counsel has further informed that as on date 5 out of the cited 18 PWs have been examined.

5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that there is no medical evidence to show that the death of Jaspreet Kaur is a homicidal death. The prosecution was mainly banking upon the statement of witness Paras Ram as regards the “last seen” evidence. However, Paras Ram, when examined during the proceedings of trial, did not support the case of the prosecution. At this stage, there is nothing on record to suggest the involvement of petitioner, who is an uncle of the deceased and admittedly is not residing in the same premises. In any case, the petitioner has been behind bars for a substantial period of more than 2 years. Conclusion of trial is likely to consume time as only 5 out of the cited 18 PWs have been examined so far. In these circumstances, further detention of the petitioner would not be justified. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

18.5.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No