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

**CRM-M No.12748 of 2022(O&M)  
Date of Decision: 20.07.2022**

**Sikander Singh @ Gori @ Bunty**

**.....Petitioner**

**Vs**

**State of Punjab**

**.....Respondent**

**CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Mr. P.K.S. Phoolka, Advocate  
for the petitioner.

Mr. C.L. Pawar, Sr. DAG, Punjab.

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**RAJ MOHAN SINGH, J.(Oral)**

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in his second attempt in case bearing FIR No.0013 dated 26.01.2018 registered under Sections 302, 201, 120-B IPC at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

Earlier CRM-M No.34340 of 2020 was dismissed as withdrawn on 04.08.2021.

Complainant Jaswant Singh brother of the deceased alleged that the petitioner had developed illicit relations with Kuldeep Kaur @ Amni i.e. sister-in-law of the complainant by

visiting the house of Basant Singh. Kuldeep Kaur @ Amni was warned by the family members many a times, but she did not mend her ways. Petitioner kept on visiting the house of Kuldeep Kaur in the absence of Basant Singh. FIR was lodged on the basis of last seen version dated 15.01.2018, when Basant Singh went to the house of complainant Jaswant Singh and at about 12:30 PM, complainant Jaswant Singh saw that on a motorcycle, the petitioner, Gaggi @ Gand and Chanchal Singh etc had come to the house of Basant Singh and they had a talk with Kuldeep Kaur @ Amni. After some time, Kuldeep Kaur @ Amni called Basant Singh by sending him a message and after some time, the petitioner and aforesaid persons took Basant Singh on their motorcycle. Thereafter, Basant Singh did not return to the house. FIR was lodged on 26.01.2018 on the basis of last seen version dated 15.01.2018, when dead body of Basant Singh was recovered.

Complainant identified the dead body on 26.01.2018 itself in the hospital. On 27.01.2018, statement of one Baljit Singh was recorded by the police, wherein he stated that Gagandeep Singh @ Gaggi @ Gand had inflicted Sua (ice pickle) blow on the person of deceased Basant Singh.

As per postmortem report of deceased Basant Singh, no punctured wound was found on his person. Total 11 injuries

were found. All were lacerated wounds. Cause of death was *“cerebral damage consequent upon blunt force impact to the head of the deceased”*, which was sufficient to cause death in ordinary course of nature.

Learned counsel for the petitioner submits that the prosecution based its version on circumstantial evidence on the theory of last seen version. The FIR was belatedly lodged. Earlier version was lodged by the wife of the deceased only as a missing report dated 16.01.2018. Learned counsel further submits that the petitioner is in custody since 26.01.2018 i.e. for about 4 years and 6 months. Out of total 38 prosecution witnesses, only 16 witnesses have been examined so far. This was the status of trial as on 02.03.2020, when regular bail was granted to co-accused Gagandeep Singh @ Gaggi @ Gand in CRM-M No.36005 of 2019.

*Per contra*, learned State counsel opposed the bail on the ground that the petitioner is the main accused as he was having illicit relations with Kuldeep Kaur @ Amni i.e. sister-in-law of the complainant. The delay in lodging the FIR has already been explained. Five prosecution witnesses have been given up. The material witnesses have also been examined including Dr. Navroj Goyal as PW-6.

In view of material on record, the complicity of the

petitioner would be tested by the trial Court on the basis of quality of evidence to be brought on record by the parties. The petitioner is in custody since 26.01.2018 and the trial has not made any significant progress since 02.03.2020 when regular bail was granted to co-accused Gagandeep Singh @ Gaggi @ Gand. Even after functioning of Courts on physical mode, the trial has not made any progress.

At this stage, without meaning anything on merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

July 20, 2022

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Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)  
JUDGE**

Yes/No

Yes/No