

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

CRM-M-18806-2022

Date of Decision: February 15, 2023

Kuldeep @ Kala

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Gautam Thapar, Advocate for the petitioner.

Mr. R.S. Khaira, DAG, Punjab.

DEEPAK GUPTA, J.(Oral)

Prayer in this petition under Section 439 Cr.P.C. is for grant of regular bail in case FIR No.131, dated 14.08.2021, registered at Police Station Kartarpur, District Jalandhar, under Sections 302, 201, 379-B and 34 IPC.

FIR was lodged on the statement of Komal wife of deceased Pintu. Said Pintu was working as a driver on a tractor trolley owned by Surinder Ray and they were doing the job of dumping earth. On 12.08.2021 at about 5.45 a.m., Pintu received a telephonic call for dumping earth at village Marhi Harnia. Complainant was told by her husband that call was from Kuldeep Singh (petitioner) and Jatinder Singh. Telling that he will return by 8 a.m. after unloading the trolley, he left. However, her husband did not return. She disclosed the matter to the owner of the tractor trolley Surinder Ray, but despite sufficient search, he could not be located. On 14.08.2021, dead body of Pintu was found. It was alleged by the complainant that petitioner and Jatinder Singh in connivance with each other had called Pintu and committed his murder. Matter was investigated. During investigation, petitioner was arrested and he suffered a disclosure statement before the police. Tractor trolley

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was recovered at the instance of the petitioner, besides the weapon of assault and the mobile phone of Pintu. After necessary investigation, challan was filed and the case was committed to the Court of Sessions.

It is submitted by the petitioner that he has been falsely implicated; that the case is based upon circumstantial evidence; that confessional statement allegedly suffered by him has no evidentiary value; that allegations against him are based on hear say and so he be allowed bail as the trial may take time to conclude.

Learned State counsel opposed the bail petition by pointing out towards the nature of the offence. Custody certificate has also been placed on record, as per which petitioner is in custody for the last 1 year, 5 months and 23 days.

It is the petitioner, who had called the deceased Pintu by making telephonic call as told by the deceased himself before leaving home, to his wife. The disclosure statement made by the petitioner has resulted into the recovery of not only the tractor trolley, which is used to be driven by deceased Pintu but also the weapon of assault and mobile phone of Pintu.

Having regard to the serious nature of offence and the role attributed to the petitioner and the aforesaid circumstances, but without commenting upon the merits of the case, this Court is not inclined to admit bail to the petitioner.

As such, the present petition is dismissed.

February 15, 2023

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(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No