

SONIA PURI
2023.07.28 11:28
I attest to the accuracy and
integrity of this order/judgment

2. Both the petitions have been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to petitioners namely Japan Singh and Kirandeep @ Goga in FIR No.52 dated 27.05.2020 under Sections 364 and 34 of Indian Penal Code, 1860 (Section 302 of Indian Penal Code, 1860 added later on) registered at at Police Station Cantt. Ferozepur, District Ferozepur.

2. Both the learned counsel appearing on behalf of the petitioners submitted that it is a case where allegations against both the petitioners and the co-accused are that one of the petitioners-Kirandeep @ Goga was having illicit relationship with the other petitioner-Japan Singh and the father of the complainant was objecting to the same, since the husband/complainant of the aforesaid petitioner-Kirandeep @ Goga is the son of the deceased. It was because of the aforesaid alleged objection by the deceased, he was made to sit on a motor-cycle by petitioner-Japan Singh and was followed by the other petitioner-Kirandeep Kaur. Thereafter, the body of the deceased was found in a canal in State of Rajasthan. No post-mortem was conducted but thereafter from the body, DNA of the deceased matched with his son and was found by the Forensic Laboratory that the deceased was the father of the complainant.

3. Be that as it may, the FIR is only based upon suspicion and circumstantial evidence and both the petitioners have already faced incarceration for 03 years and 02 months. He further submitted that all the material witnesses have been examined including the complainant and the brother of the petitioner Kirandeep Kaur and now 07 out of 14 cited witnesses have been examined. He further submits that the trial of the case

may take long time, therefore the petitioners may be considered for grant of regular bail.

4. Learned State counsel submitted that both the petitioners are in custody for more than 03 years, 02 months and 07 out of 14 cited witnesses have been examined including the complainant and the brother of the petitioner-Kirandeep @ Goga.

5. I have heard the counsel for the parties.

6. It is a case where as per the allegations, the complainant had seen the petitioner-Japan Singh and the other petitioner-Kirandeep Kaur following him and the deceased was made to sit on the motor-cycle by the petitioner-Japan Singh and later on, his body was found from canal in Rajasthan. There are suspicious circumstances based upon circumstantial evidence and 07 witnesses including the complainant and the brother of the petitioner Kirandeep @ Goga have already been examined. This Court does not wish to give any observation on the merits of this case but only for the purpose of considering the grant of regular bail, this Court would only see the custody of the petitioners and status of the trial in this regard.

7. In view of the aforesaid facts and circumstances, wherein both the petitioners have already faced incarceration of 03 years and 02 months, both the petitioners deserve the concession of regular bail.

8. Consequently, both the petitions are allowed. Both the petitioners shall be released on regular bail subject to furnishing of adequate bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

9. However, anything observed hereinabove shall not be treated as

an expression of opinion of merits of the case and is meant for the purpose
of deciding the present petitions only.

25.07.2023
Sonia Puri

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No