

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-47802-2022 (O & M)

Date of decision: 05.01.2023

Gurmeet Singh

... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Dhawaljeet Dutta, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Amandeep Singh, Advocate, for the complainant.

Mr. Sandeep Singh Jattan, Advocate,
for the victim-Paramjit Kaur.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 438 Cr.P.C. is for the grant of anticipatory bail to the petitioner in case FIR No.187 dated 26.06.2022 under Sections 201, 302, 34 IPC registered at Police Station City Pehowa, Kurukshetra, District Kurukshetra.

2. The present FIR came to be registered at the instance of Dharamveer Singh son of Tarlok Singh, who stated that he was a carpenter. He had two sisters, the elder one was Paramjit Kaur who was married at Gorakhpur, U.P. and the younger one was married at Faridabad. His elder sister-Paramjit Kaur was living at Guru Nanak Colony, Pehowa. On

Rajinder Singh were at home. At about 8.30 p.m. in the evening, Gurmeet Singh (the present petitioner) son of Gian Singh came to their house on a motorcycle and took away his father-Tarlok Singh. His (complainant's) father did not come back in the night. On the next day, at about 6.00 a.m., one Bholli came to his house and told him that his father was lying on the road near Shiv Mandir. On getting this information, he alongwith his brother-in-law Vikram Singh and Amandeep Singh son of Gurdev Singh went to the spot and saw that his father-Tarlok Singh was lying on the side of the street. On the left side of the head in the middle of head, right side of head in the middle of head, right side of stomach, on both feet and on his fingers, there were injuries. He (complainant) took his father back home. On investigation, he came to know that Gurmeet Singh (petitioner) had taken his (complainant's) father to the house of accused-Joginder Singh Waraich where all of them took alcohol at the house of Joginder Singh Waraich. There was an argument of his father-Tarlok Singh with Gurmeet Singh and Joginder Singh, who had given injuries on the head of his father-Tarlok Singh and in order to destroy the evidence threw his father near the Shiv Mandir, Pehowa. Strict action was sought against Gurmeet Singh and Joginder Singh Waraich.

3. Pursuant to the registration of the FIR, the provisions of the SC & ST Act were added and the accused, namely, Joginder Singh Waraich son of Sawran Singh was arrested. He disclosed that he alongwith his co-accused Gurlal Singh and the present petitioner-Gurmeet Singh had caused injuries to the deceased and the present petitioner had caused injuries to the deceased-Tarlok Singh with hammer. On 01.07.2022, Gurlal Singh was also

place of incident was demarcated and a motorcycle bearing registration No.HR08H-6046 make TVS Star CT was taken into possession. As per the post-mortem report, the deceased-Tarlok Singh died due to head injuries. Pursuant thereto, the report under Section 173 Cr.P.C. was submitted in the Court against Joginder Singh Waraich and Gurlal Singh on 26.09.2022.

4. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. In fact, he was a close relative of Tarlok Singh with whom he had no enmity. There was no cogent evidence available against the petitioner. In fact, due to consumption of liquor by Tarlok Singh, he was unable to return back to his house and he slept over at the house of Joginder Singh Waraich whereas the petitioner had returned to his house at about 10.30 p.m. at night as was borne out from the CCTV footage (Annexure P-2). It was Joginder Singh Waraich and his son who had kept the dead body of the deceased-Tarlok Singh on their motorcycle and had thrown him elsewhere.

5. The learned counsel for the complainant-Dharamveer Singh son of Tarlok Singh (deceased), contends that the petitioner had been named inadvertently. In fact, no offence had been committed by him.

6. On the other hand, the learned counsel for the victim-Paramjit Kaur (daughter of the deceased-Tarlok Singh) states that the accused are repeatedly threatening the witnesses including the complainant as is borne out from the fact that the complainant has stated that he had erroneously named the petitioner as an accused. He contends that the petitioner does not deserve the concession of anticipatory bail.

7. The learned counsel for the State, on the other hand, submits

that the present case is one of murder. As per the investigation, the recovery

of a hammer and a motorcycle used in the commission of the offence is to be effected from the petitioner. The CCTV footage referred to does not, in any manner, establish the innocence of the petitioner. Even otherwise, a perusal of the Fir would clearly establish that the deceased was taken away by the petitioner-Gurmeet Singh, and therefore, the evidence of last seen was sufficient to deny the concession of anticipatory bail to the petitioner.

8. I have heard the learned counsel for the parties.

9. As per the FIR, it is the petitioner who has taken away the deceased-Tarlok Singh. Subsequently, it was found that the deceased had been murdered, leading to the registration of the FIR. The petitioner is duly named in the FIR. As per the disclosure statement of the accused-Joginder Singh Waraich (Annexure R-1) and Gurlal Singh @ Lali son of Joginder Singh Waraich (Annexure R-2), it was the petitioner who had picked up the hammer kept in the room and struck the head of the deceased two or three times. Thereafter, on falling down, the deceased-Tarlok Singh was struck in the stomach by Gurmeet Singh (petitioner). The petitioner-Gurmeet Singh then left the spot on his motorcycle alongwith the hammer. Then, they (Joginder Singh Waraich and his son-Gurlal Singh) had taken the dead body on their motorcycle and had thrown him in the middle of the road in an unconscious condition to destroy the evidence. Therefore, it is apparent that the petitioner is the main accused. The recovery of the motorcycle and the weapon of offence i.e. hammer is to be effected from him.

10. The serious nature of the allegations alongwith the fact that the recoveries are yet to be effected from the petitioner, does not entitle him to the grant of concession of anticipatory bail.

11. In view of the above, I find no merit in the present petition and the same is dismissed.

January 05, 2023
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No