



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

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CRM-M-19388-2024

Date of decision: 19.07.2024

Baldev Singh and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Rajesh Bhatheja, Advocate for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.194 dated 19.09.2023 under Sections 302, 201, 120-B of the IPC, 1860 registered at Police Station City South Moga, District Moga.

2. Status report by way of affidavit of Ravinder Singh, PPS, Deputy Superintendent of Police, (City), Moga, District Moga has been filed in the Court today which is taken on record subject to all just exceptions. A copy of the same has been supplied to the counsel opposite.

3. Learned State counsel has conceded that the dead body recovered on 19.09.2023 from a drain was highly decomposed and unidentifiable. The DNA test results were inconclusive as no DNA profile could be generated from the sternum bone, which was purported to be of deceased, Ramandeep Kaur.

4. Learned counsel for the petitioner has vehemently contended that the present case hinges on circumstantial evidence. It



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has been further argued that Ramandeep Kaur went missing leading to the lodging of a missing report on 16.09.2023, by none other than petitioner No.1 (adoptive father of the deceased). Subsequently, on 19.09.2023, the dead body in question was recovered from a drain, which PW5 Ravyat Singh, identified as Ramandeep Kaur. Said PW5 Ravyat Singh while stepping into the witness box was declared hostile as he did not support the case of the prosecution. Learned counsel has argued that in the circumstances, once the DNA report was inconclusive coupled with PW5, Ravyat Singh, being declared hostile during trial, there was no cogent evidence on record to connect the petitioners to the alleged murder. Rather, learned counsel has argued that a big question mark still exists as to whether Ramandeep Kaur is even dead. Additionally, it has been asserted by the learned counsel that both the petitioners being innocent is fortified from the fact that the biological parents of Ramandeep Kaur, who had since been examined before the learned Trial Court had not alleged any wrongdoing against the petitioners nor raised any suspicion qua their involvement in the missing/murder of Ramandeep Kaur, nor had they alleged strained relations between Ramandeep Kaur and the petitioners.

5. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not disputed the DNA report or the fact that the recovered dead body was unrecognizable due to decomposition, however, it has been submitted that PW5 Ravyat Singh was a co-villager of the petitioners and the deceased who had identified the body, although he was admittedly



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declared hostile during trial; however, one other witness PW3 Shamsher, who had last seen the deceased in the company of the petitioner, had supported the case of the prosecution during trial. It has been further conceded by the learned State counsel, on instructions, that all the material witnesses stand examined and there is no clear cut motive forthcoming qua both the petitioners to commit the crime in question. It has been submitted by the learned State counsel that 12 prosecution witnesses remain to be examined out of the 17 cited.

6. I have heard learned counsel for the parties and perused the material placed on record.

7. The instant FIR came into being when a highly decomposed dead body was found by the police during routine patrol. The case in hand rests on circumstantial evidence; all the material witnesses stand examined including the witness of last seen. The trial is unlikely to conclude in the near future. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioners, who have been in custody since 22/09/23.

9. Accordingly, the instant petition is allowed. The petitioners be admitted to bail on their furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

19.07.2024

(MANJARI NEHRU KAUL)
JUDGE

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No