

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M-20249-2023(O&M)
Date of decision: 11.03.2024

Lovepreet Singh

... Petitioner

Vs.

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present :- Mr. Amandeep Singh Rai, Advocate for the petitioner.
Mr. Amit Chaudhary, DAG, Punjab.

SUVIR SEHGAL J. (ORAL)

1. Instant second petition has been filed under Section 439 Cr.P.C., seeking grant of regular bail to the petitioner in:-

FIR No.	Dated	Police Station	Section
89	24.08.2019	Sudhar, District Ludhiana	302, 365, 364, 201, 120-B, 34 of IPC

2. The factual matrix may be noticed.

3. FIR, Annexure P-1 has been registered on the statement of Ranjit Singh, father of Kuljit Kaur, stating that his daughter was married to Gurcharan Singh, who works in Indian Army. She had strained relations with her in-laws and for the last one year, she was staying in a separate residence with her husband’s consent, who used to meet all her expenses. It has been alleged that his daughter is missing since 09.08.2019 and he suspects that she has been kidnapped.

4. Counsel for the petitioner submits that on the basis of supplementary statement recorded by the complainant on 10.09.2019, Gurcharan Singh was apprehended, who in his disclosure statement stated that he along with Lovepreet Singh, present petitioner, had strangled Kuljit Kaur and done her to death. He further stated that they buried her dead body near a canal. Counsel submits that petitioner has been apprehended on 24.09.2019 on the basis of the disclosure statement of the co-accused, which is still inadmissible in law. He submits that first petition preferred by the petitioner was withdrawn on 09.11.2022, Annexure P-9, as no prosecution witness had been examined. By referring to the testimony of Gurmukh Singh, PW-5, he submits that he has been declared to be hostile and the complainant, has unfortunately expired before he could be examined. He has placed reliance upon the DNA report, Ex. PX to contend that the DNA profile of the deceased is not consistent with that of her mother and the result of the Forensic DNA Test Report is inclusive. Reference has also been made to the testimony of Dr. Gursimran Singh, PW-6, which was recorded on 28.11.2023 in support of his assertion. He submits that as the trial is also not likely to conclude in the near future, petitioner deserves to be temporarily released.

5. Per contra, learned State counsel, upon instructions from ASI Rajbir Singh has opposed the petition and submits that prosecution has sufficient incriminating material against the petitioner who had played an active role in the homicide of Kuljit Kaur. He submits that the motorcycle on which the dead body was taken as well as the skeleton of the deceased

have been recovered from the petitioner. He has filed the custody certificate and has specific instructions to state that 11 witnesses out of 31 prosecution witnesses have been examined.

6. I have heard counsel for the parties and have considered their respective submissions.

7. Petitioner, who is not involved in any other criminal case, has been in detention for the last more than 53 months. Prosecution is yet to examine 20 more witnesses, the complainant has unfortunately expired and could not be examined. Petitioner cannot be kept in confinement endlessly when there is a remote possibility of an early conclusion of the trial. Keeping all these factors in mind, this Court is of the view that the petitioner has made out a case for release on bail during the pendency of the trial.

8. Without adverting to the merits or demerits of the arguments addressed, petition is allowed and the petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

11.03.2024
pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No