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

CRM M-20110-2023 (O&M)

Date of Decision: 03.04.2024

Iqbal Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rose Gupta, Advocate,
for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

Mr. Birinder Pal, Advocate,
for respondent No.2

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 439 of Code of Criminal Procedure, 1973 for seeking bail pending trial in FIR No.77 dated 11.03.2020 registered under Section 302 read with Section 34 IPC (Section 201 IPC added later on), at Police Station Sohana, District SAS Nagar (Mohali).

2. Above FIR was registered on the statement of informant Harcharan Singh with the allegations that on 10.03.2020 at about 7.25 pm, his brother Kulwinder Singh had left home for attending some party hosted by his friend. Kulwinder Singh did not come back till 9.30 p.m, therefore, his son Gurtej Singh made a call to the former i.e. Kulwinder Singh and who told that he was returning within 10 minutes. As Kulwinder Singh did not reach home, therefore, informant-Harcharan Singh & Gurtej Singh started searching him. In the process, they noticed a dead-body, which was of Kulwinder Singh, lying on the Airport road. Also alleged that there were cuts of sharp edged weapon on the back side of his head and a green colour rope was tied around the neck. Specifically alleged that Kulwinder Singh has been killed by present petitioner

as well as co-accused Sheetal Sharma and they threw his dead body on the Airport road.

3. Learned counsel contends that petitioner is in custody since 12.03.2020 and his co-accused-Sheetal Sharma has already been granted bail by Hon'ble the Supreme Court vide order dated 30.11.2022 passed in Criminal Appeal No. 2104 of 2022 (SLP (Crl.) No. 6215 of 2020). Further contends that there are major contradiction in the testimonies of Bhupinder Singh and Harcharan Singh while appearing as PW-3 & PW-6, respectively; thus the entire prosecution case has become doubtful. Lastly contended that trial is likely to take sufficient long time; hence further incarceration of the petitioner would not serve any purpose.

4. *Per contra*, learned State counsel while opposing the prayer submits that in the present case, complicity of the petitioner is well apparent and there is sufficient material to that effect. He also submitted that during investigation, blood stained clothes as well as cheque for an amount of Rs.20 lakh, issued by the deceased were recovered at the instance of petitioner. Again submitted that even the FSL report is also corroborating the prosecution case and in case petitioner is released on bail, he shall hamper the trial. Lastly submitted that co-accused Sheetal Sharma was granted bail by Hon'ble the Supreme Court, primarily on the ground being a female.

5. Heard learned counsel for the parties and perused the paper-book.

6. It transpires that during investigation, Police has recovered sufficient material regarding the complicity of petitioner, including Ritz car bearing registration No. PB-13-AR-3579 used in the commission of alleged crime as well as blood stained turban, one brick, voucher/slip for deposit of cheque amounting to Rs.20 lakhs. Moreover, there is credible evidence to the effect that seat of the above car was having blood stains. Apart that, the FSL

report received in the matter is also corroborative of the prosecution case.
Above all, there is an apprehension expressed by learned State counsel that in case petitioner is released on bail, he may hamper the trial.

- 7. In view of the above, argument raised by learned counsel for the petitioner that co-accused Sheetal Sharma has been granted bail, would be of no help to the petitioner and moreover, she is a female.
- 8. Consequently, there is no option, except to dismiss the petition.
- 9. Ordered accordingly.
- 10. The above observations be not construed as an expression of opinion on the merits of the case in any manner.
- 11. Pending application(s), if any, shall also stand disposed off.

03.04.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No