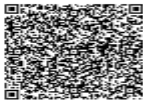


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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

226

CRM-M-23128-2024
Date of decision : 14.05.2024

Lalit Kumar Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Saurav Bhatia, Advocate
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.129 dated 05.07.2023 registered under Sections 365/302/201/149 IPC at Police Station City Rupnagar, District Rupnagar.
2. As per the contents of the FIR, it has been alleged as under :-

"Copy of statement, "Statement of Sukhdev Singh S/o Sant Singh resident of house no. 105, Garden Colony, Rupnagar, Police Station City Rupnagar aged about 56 years Mobile no. 93250161295.

Stated that I am resident of above said address and doing private job in Maharashtra. I have two sons, elder son Harpreet Singh aged about 29 years, who has passed B.A. and was not doing any job at present. On 22.06.2023 at about 06 P.M. my son Harpreet Singh, like daily routine, had gone from the house for walk in Ranjit Bagh Rupnagar, but did not come back in the house. We searched for him on our

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own level but due could not find him there is any clue about him. I had got registered DDR No 18 on 01.07.2023 in the police saline Rupnagar regarding missing of my son. I have doubt that my son Harpreet Singh has been kidnapped by Ravinder Kumar son of Diwan Chand his son Lalit Kumar residents of village Udhnewal, Police Station Sadar Balachour, District Nawan Shahar, Jugraj Singh alias Jara resident of Jagatpur Police Station Balachaur, District Nawan Shahar, Abdul Khan alias Rami resident of village Daadi Police Station Kiratpur Sahib, District Rupnagar and their some other unknown companions and they have kept him detained illegally. Due legal action may be taken against them and my son may be got recovered from them. Statement got recorded, heard and is correct. Sd/- Sukhdev Singh"

3. Custody certificate has been filed. The same is taken on record. As per the custody certificate, the petitioner by now has undergone more than 10 months and 07 days and has clean antecedents.
4. Petitioner is stated to have suffered disclosure statement which reads as under :-

"In the presence of the following witnesses, the above said accused Lalit Kumar, during the interrogation, gave disclosure statement that in the night of 22/23.06.2023, 1, Harpreet Singh, Jugraj Singh alias Jara, Harish Kumar resident of Balachaur and Abdul Khan alias Rammi resident of Dandi had gone to Nangal, Una (H.P.) side for sightseeing, on that day the above said Harpreet Singh and Rammi had consumed some drug, Harpreet Singh, due to under much influence of the drug, he fall down and who died only within a short time. Then we picked up his dead body and threw away in the bushes on Sutlej River side at village Haveli Kalan, Police Station Rupnagar. I can get it recover by identifying the same. Thereupon the memo of disclosure statement U/s 27 Evidence Act of the above said accused Lalit Kumar was prepared."

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5. Learned counsel for the petitioner contends that even if the same is taken as gospel truth on its face value, the same would constitute offence punishable under Section 201 IPC. Further reliance is being placed upon order dated 19.12.2023 passed in CRM-M-62522 of 2023, whereby the co-accused Ravinder Kumar had been granted concession of bail.
6. Learned counsel for the petitioner submits that the investigation already stands concluded. Challan stands presented and thus there can not be any apprehension that the petitioner shall tamper with the evidence. There is no independent witness apart from the official witness.
7. Learned State counsel is not in a position to dispute the aforementioned factual assertions based on record.
8. I have heard learned counsel for the parties and have gone through the records of the case.
9. Without commenting on the merits of the case and considering the incarceration suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned.
10. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

14.05.2024

Dinesh

Whether speaking/reasoned :
Whether Reportable :

Yes
No