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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-29898-2024 (O&M)

Date of decision: 08.07.2024

Lovepreet Singh @ Bablu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. S. K. Gupta, Advocate
for the petitioner.

Mr. A. S. Samra, AAG, Punjab.

Mr. Kuldeep Singh Saini, Advocate
for the complainant.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed by the petitioner under Section 439 Cr.P.C., is for grant of regular bail in case bearing FIR No. 86 dated 17.08.2022, registered under Section 364 of IPC (Sections 302, 201, 212, 34 of IPC added later on) at Police Station Payal, District Khanna.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered initially registered under Section 364 of IPC on the basis of Statement recorded by complainant Dalvinder Singh on 17.08.2022 alleging therein that on the evening of 16.08.2022, his youngest brother Jagdev Singh @ Kala had gone towards the fields but did not return. When he did not even respond to the phone calls made, therefore, he along with his other family members had gone towards the fields to look for him. His mobile phone was found lying in the fields. His

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footwears were also found lying therein but as the victim could not be found, therefore, suspecting that he had been abducted by someone with intention to kill him, the complainant prayed for taking action. On 18.08.2022, the dead body of the victim was found floating in the canal. Offences under section 302, 201, 212, 34 of IPC were added. On 18.08.2022, Hardeep Singh, sarpanch of village Dhamot Kalan got recorded his statement before the police about having seen the present petitioner and co-accused Sarabjeet Kaur @ Papli and Jagdeep Singh @ Jaggu and another unknown person in a car bearing registration number PB-55-E-8111 Glanza make on 16.08.2022 and also recorded that on 18.08.2022 itself, the petitioner had made an extra judicial confession before him about committing murder of the victim and causing disappearance of his dead body in connivance with the co-accused. The petitioner and the co-accused were arrested on 19.08.2022. The petitioner suffered disclosure statement and got recovered a *Danda* used at the time of commission of the subject offence and also the car used at the time of occurrence the place of occurrence was also demarcated by him. After completion of necessary investigation and usual formalities, challan under Section 173 of Cr.P.C. was present in the Court and presently, the petitioner along with co-accused is facing trial for commission of aforesaid mentioned offences. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 13.05.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The case is based on circumstantial evidence and there is no direct witness to the commission of murder of the victim by

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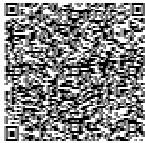
the petitioner. Hardeep Singh is a planted witness. The petitioner is in custody since 21.08.2022. He is not the owner of the car bearing registration number PB-55-E-8111, which was allegedly used at the time of crime. The co-accused have since been extended benefit of bail. On the ground of parity, the petitioner too deserves to be extended the same benefit. The trial is likely to take time. Therefore it is argued that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned State counsel has argued that there are serious and specific allegations against the petitioner. He suffered disclosure statement before Hardeep Singh, who was a respectable person of his own village, admitting the factum of murder of the victim and causing disappearance of the dead body of the victim on the night of 16.08.2022. The trial is going on at a fast pace and there is nothing on record to suggest that there would be any delay in conclusion of the same. As such, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

6. The petitioner along with the co-accused is alleged to murdered the victim on the night of 16.08.2022 and is further alleged to have thrown the dead body of the victim into the canal to cause disappearance of offence of the murder. He along with the co-accused was seen in the aforesaid car on the faithful night by PW Hardeep Singh and in his statement recorded under section 161 of Cr.P.C. before the police, the above said Hardeep Singh stated that the petitioner had suffered an extra judicial confession before him about

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committing murder of the victim. The allegations against the petitioner are quite serious in nature. It is well settled proposition of law that that in serious offences, the period of incarceration alone is not sufficient to extend benefit of bail to an accused. The case of the co-accused, who have been extended benefit of bail, cannot be stated to be at par with that of the petitioner since they have been chargesheeted only under Section 212 and 201 of IPC and not under Section 302 of IPC. Keeping in view the nature of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case but without meaning to make any comments on the merits of the case, I am of the considered opinion that the that the petitioner does not deserve to be extended benefit of bail, at this stage. Therefore, the petition is dismissed.

08.07.2024

Waseem Ansari

(MANISHA BATRA)

JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No