



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

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CRM-M-33112-2024

Date of decision: September 23rd, 2024

Lovepreet Singh @ Kalta

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Shivender Pal, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.217 dated 17.07.2023 under Sections 302, 460, 201 and 34 of the IPC registered at Police Station Sadar, Amritsar, District Police Commissionerate Amritsar.

2. Learned counsel for the petitioner submits that the case at hand hinges on circumstantial evidence; the petitioner was nominated as an accused on the basis of statements made by two witnesses, Gurwinder Singh (witness of last seen) and Hardeep Singh, who allegedly overheard a conversation between the accused qua their plans to loot the house of the deceased. Learned counsel submits that after the petitioner was arrested on 17.07.2023, both the material witnesses i.e. Gurwinder Singh, witness of last seen and Hardeep Singh have been examined before the trial Court, hence, in the circumstances, further incarceration of the petitioner would serve no useful purpose as there

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can now be no apprehension of the witnesses being intimidated/influenced. Learned counsel has also brought to the notice of this Court that 24 prosecution witnesses still remain to be examined.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has drawn the attention of this Court to the allegations levelled in the FIR in question, which has been reproduced in the body of the petition. It has been submitted by the learned State counsel that no doubt, the FIR was registered against unknown persons, however, both the material witnesses i.e. PW Gurwinder Singh had not only seen the accused with the co-accused near the place of occurrence on the fateful day but even PW Hardeep Singh had overheard a conversation between the accused that since the deceased was in receipt of money on account of sale of some property, he could be an easy target for them. Learned State counsel has submitted that both the accused, Deepak and Ajay had gone inside the house of the deceased and after murdering him, had committed a theft of his mobile phone and some money; although the petitioner did not enter the house of deceased, however he kept waiting outside the house on his Activa to escort the accused away from the scene of occurrence. Learned State counsel has, however, not disputed the stage of the trial and the custody period of the petitioner.

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

5. Before proceeding further, it would be apposite to reproduce the contents of the FIR, which are as under:-



“Statement of Anarika Singh w/o Gaurav r/o H. No.70, Friends Colony, Patel Chowk Division NO.2 Pathankot age about 37 years M.No. 7087088507. it is stated that I am resident of above said address and I got married with Gaurav in 2009. We are two sisters. I am the elder one and my younger sister Anjori is residing in Nirwana Green, 4 Kharar. We have 2 brothers and the elder one is Mayank Sodhi and the younger one is Ashairwad Sodhi and both of them are residing in Bombay and they are not in contact with both of us and our father Gulshan Singh Sodhi from last 12/13 years. My mother Amarpreet Kaur got divorced from my father in March 2009 and because of that my father Gulshan Singh Sodhi aged 67 years, son of Pritam Singh is residing alone in H.No.6148, Street No.3, Indra Colony Opp. Govt. Hospital Mustafabad, Amritsar and he is suffering from Cancer from last about 1-1/2 year and is getting treatment from Homi Baba Cancer Hospital, Mullapur, District Mohali and we had kept Rajkaur wife of Satnam Singh r/o Street No.6 Indra Colony Mustafabad to take care of him and to took food for him. Since my father was not keeping good health so both of us (sisters) kept on enquiring about his health and today my father was to go to Homi Baba Cancer Hospital Mullanpur for getting Chemo and my sister Anjori had a talk with him on phone and my father told us that he had received a payment of Rs.2 lakhs for the house which he had sold. Today at about 10.30AM I received a telephonic call from Vattan Sodhi son of Gurwinder Singh Sodhi r/o Street No.3 Indra Colony Mustafabad Amritsar who is son of my Bhua who informed that today Raj Kaur came to the house of our father and when she entered. the house after opening the outer gate and found that our father Gulshan Singh Sodhi was lying dead on the bed covered in pool of blood and all the articles in the room were lying scattered. On this



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information he had gone and saw that all the articles in the house and in the almirah were lying scattered. I immediately alongwith my husband Gaurav son of Baldev Raj started for our house at Pathankot and have reached the spot where I saw the dead body of my father in lying in with an on his head and the bed was covered with his blood and all the articles were lying scattered. His black colour brief case in which he used to keep gold articles, cash and property documents was missing and even the DVR of the cameras were also missing and I will inform you later on about that after enquiring the same. Some unknown persons entered the house of my father in the night and have taken away the brief case containing cash, DVR etc. I have given the statement which is correct. Legal action be taken against the accused.”

6. The instant case is based on circumstantial evidence. The two material witnesses already stand examined. In the wake of the alleged role attributed to the petitioner, this Court therefore deems it fit to extend the concession of bail to him.

7. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail 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.

September 23rd, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No