



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-34165-2024
Date of decision:- 16.09.2024

Akashdeep Singh @ Baba

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.B.D.Sharma, Advocate for the petitioner.

Ms. Amrita Garg, AAG, Punjab.

Mr.Pradeep Virk, Advocate with
Mr. Sakhveer Singh, Advocate for
Smt.Kulwinder Kaur- mother of the deceased.

SUVIR SEHGAL, J. (ORAL)

1. This 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	Sections
12	24.01.2022	Police Station Chattiwind, District Amritsar Rural	under Section 302/304/201/379/34 IPC, 1860 (offence under Section 302 IPC added later on vide G.D. dated 25.12.2022)

2. The version of the prosecution is that FIR (Annexure P-1) has been registered on the statement of Lakhwinder Singh stating that he is relative of Inderpartap Singh, aged about 24 years, who left his home on 16.01.2022 and did not return back. Complainant was called for identification of a dead body found in the area of Police Station



Chattiwind, which was of Inderpartap Singh. He alleged that on 16.01.2022, Inderpartap Singh went with some unknown friends, who administered poison and disposed of his body in a nude condition, after killing him. The accused stole his personal possessions.

3. Counsel for the petitioner submits that the petitioner has been falsely implicated. He submits that the petitioner was not named by the complainant in the FIR nor his name has been mentioned by the complainant in his evidence. He submits that petitioner has been implicated as an after thought by the mother of the deceased, who deposed that the petitioner was instrumental in disposing off the dead body of Inderpartap Singh. He submits that the first petition filed by the petitioner was withdrawn on 20.12.2023 (Annexure P-3) and, thereafter, the complainant as well as the mother of the deceased have been examined as prosecution witnesses. He asserts that all the material witnesses have stepped into the witness box and the petitioner, who is a young man deserves to be released on bail as the trial is not likely to be concluded in the near future.

5. *Per contra*, learned State counsel, who is supported by the counsel for Smt.Kulwinder Kaur (mother of the deceased) have opposed the petition by arguing that the petitioner has played an active role in the homicide. It is their stand that the petitioner is probably in possession of a stolen vehicle, which has been used to dispose off the body.

6. Upon instructions, learned State counsel submits that besides vehicle, a gold chain belonging to the deceased was recovered from the petitioner. She submits that after the disposal of the dead body, when the accused was fleeing, the vehicle met with an accident and an FIR under Section 307 IPC has been registered against the petitioner.

7. I have heard counsel for the parties and considered their respective submissions.
8. The allegations levelled against the petitioner and the role ascribed to him will be subject matter of debate before the trial Court which shall be determined on the basis of the oral and documentary evidence adduced by the prosecution. Petitioner is in custody for the last more than 32 months and the trial is at a nascent stage as 25 witnesses have yet to be examined by the prosecution. There is remote possibility of an early conclusion of the trial. Prayer made in the petition, therefore, deserves to be accepted.
9. 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.
10. It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

16.09.2024
Raman

(SUVIR SEHGAL)
JUDGE

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