

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40378-2023
Date of Decision: 12.01.2024

KULDEEP SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Monita Mehta, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C is for the grant of regular bail in case bearing FIR No.17 dated 05.03.2021 registered under Sections 364, 302, 201 IPC at Police Station Begowal, District Kapurthala.

2. The present FIR came to be registered at the instance of Tarsem Singh son of Dara Singh and the same reads as under:-

“Statement of Tarsem Singh s/o Dara Singh r/o Mand Dhakda Police Station Bogowal, District Kapurthala, aged near about 52 years, Mobile No. 89689-23717 stated that I am resident of above said address. I do agricultural work. I have three sons and one daughter. My eldest son Amrik Singh whose age is 25 years old. On dated 18.02.2021 I and my son Amrik Singh went to get buffalo from my sister Kailash Kaur r/o Batala District Amritsar. I came back to the village Dhakda with the buffalo the next day and my son was staying

with my sister and 20.02.2021 my son left village Batala for village Dhakda but my son Amrik did not reach home. We started looking for him and enquired from our relatives and known persons and I had reported the disappearance of my son Amrik Singh in Bogowal Police Station yesterday on dated 04.03.2021. Today on 05.03.2021 I was looking for my son at Adda Ibbrahimwal that the people standing there told me that on 20.02.2021 your son Amrik Singh was seen time at around 1 1.30 2pm with Kuldeep Singh @ Koki s/o Satnam Singh r/o Mandi Jangal Lubana taking liquor at liquor shop Ibbrahimwal. I am sure mat my son Amrik Singh has been kidnapped by Kuldeep Singh @ koki with the intention of killing him because there was also a dispute over the land with Kuldeep Singh and the love affair of my son Amrik Singh with Amandeep Kaur @ Seema, sister-in-law of Kuldeep Singh @ koki was also going on, that's why Kuldeep Singh @ Koki has kidnapped my son Amrik Singh with the intention of killing him. My son should be searched for, the statement was given, I heard it is correct, it is correct/- Tarsem Singh, Tarsem above said, the statement is correct.- Jaspal Singh Jaspal Singh attested Sd/- Sonamdeep Kaur SHO Police Station Begowal Date 05-03-21.”

3. After the registration of the FIR, during the course of investigation, the petitioner was arrested on 06.03.2021 and suffered his disclosure statement. Based on the evidence collected, the offence under Section 302 IPC was added.

The petitioner got recovered the motorcycle of the deceased bearing Registration No.PB-09-Z-2996 and also a shawl of the deceased which had been concealed in the bushes near the canal at the place of occurrence.

The CCTV footage was recovered in which Amrik Singh (deceased) can be seen lastly with the petitioner.

The statement of one Akashdeep Singh son of Sukhwinder Singh was also recorded to the effect that he had seen the petitioner in the company of the deceased. In fact, the petitioner was driving a motorcycle and the deceased-Amrik Singh was a pillion rider.

4. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There is an unexplained delay in getting the FIR registered. The alleged incident is of 20.02.2021 but the missing person report was given only on 04.03.2021 and the FIR came to be registered on the next day. The case was based on circumstantial evidence and even the body had not been recovered till date. The case against the petitioner was based only on CCTV footage to the effect that he was last seen in the company of the deceased. The said evidence of last seen was insufficient to establish the guilt of the petitioner. As the petitioner was in custody for the last more than 02 years and the Trial of the present case was not likely to be concluded anytime soon, he was entitled to the concession of bail.

5. A reply dated 09.01.2024 by way of an affidavit of Bharat Bhushan, PPS, Deputy Superintendent of Police, Sub-Division Bholath, Kapurthala has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. While referring to the reply, he contends that a perusal of the FIR would reveal that the petitioner had the necessary motive to commit the offence in question. The CCTV footage available on record would show that the petitioner was lastly seen in the company of the

deceased. Further, the statement under Section 161 Cr.P.C. of one Akashdeep Singh has also been recorded to the similar effect. The recovery of motorcycle and shawl of the deceased had been effected from the petitioner. As many as 02 out of the 21 prosecution witnesses stood examined. As the offence was *prima facie* established, the petitioner was not entitled to the concession of bail.

6. I have heard the learned counsel for both the parties at length.

7. In the instant case, the petitioner is duly named in the FIR on the basis of suspicion. The motive clearly lies with the petitioner. The CCTV footage on record establishes that the petitioner was lastly seen in the custody of the deceased. The statement of Akashdeep Singh is also categorical to the similar effect. The recovery of the vehicle and clothes of the deceased have been effected from the petitioner. Therefore, the offence against the petitioner stands *prima facie* established.

8. In view of the above, I find no merit in the present petition. Therefore, the same stands dismissed.

9. However, the observations made hereinabove are only for the purposes of deciding this bail petition and the Trial Court is free to adjudicate upon the matter on the basis of the evidence led before it uninfluenced by any such observations made herein.

(JASJIT SINGH BEDI)
JUDGE

12.01.2024

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No