

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

**CRM-M-47182 of 2023
Reserved on:04.03.2024
Pronounced on: 06.03.2024**

Amandeep @ Suraj @Amandeep Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Raghav Goyal Chandiwalla, Advocate
for the petitioner.

Mr. Amandeep Singh, DAG, Punjab.

DEEPAK GUPTA, J.

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for his release on regular bail in case FIR No.38 dated 05.03.2022 registered under Section 346 IPC at Police Station City Malout, District Sri Muktsar Sahib (Sections 302, 120-B, 201 IPC added later on while presentation of challan).

2. Status report by way of affidavit dated 30.11.2023 of Shri Fateh Singh Brar, PPS, Deputy Superintendent of Police, Sub Division Malout, District Sri Muktsar Sahib has been filed on behalf of the respondent- State.

3.1 FIR was registered on the statement of Subhash Kumar son of Brij Lal. As per his statement, his first marriage was performed with Amardeep Kaur daughter of Surjeet Singh and out of the said wedlock, one son, namely, Sumit Kumar alias Waris (deceased) was born. Complainant got divorce from said Amandeep Kaur. The son Sumit used to stay with the complainant. After two years, complainant performed second marriage with

one Renu. Sumit alias Waris i.e. son of the complainant from the first

marriage was used to go to a shop for learning the work. On 24.02.2022, Sumit Kumar alias Waris left home. Complainant called him at about 07:00 PM, who told that he will reach home at 08:30 PM. However, Sumit Kumar alias Waris did not return. His mobile phone was found switched off. It was alleged by the complainant in the initial version that some unknown persons had confined his son at some unknown place.

3.2 Later on, two persons, namely, Amandeep Kaur, i.e. the first wife of the complainant and her mother Chhinder Pal Kaur were nominated in the FIR and Section 120-B IPC was added vide DDR No.41 dated 16.03.2022. However, both of them were found innocent.

3.3 Subsequently, Smt. Draupdi Devi, the grandmother of Sumit alias Waris nominated Amandeep alias Suraj alias Amandeep Singh, i.e. present petitioner to be the suspect. Said Amandeep alias Suraj is stated to be the brother of Amandeep Kaur i.e. first wife of complainant. It was also alleged that the owner of the shop, where the deceased used to work, had told that deceased had been taken away by his maternal uncle i.e. Amandeep alias Suraj – petitioner but when complainant called him, he told that he had dropped his son near Power House.

3.4 Petitioner was arrested and it was found that under a criminal conspiracy, he had killed the victim and disposed of the dead body by throwing the same in the canal. After completion of investigation, final report under Section 173 Cr.P.C was submitted in the Court.

4. It is contended by learned counsel that the petitioner is not named in the FIR and that he has been implicated falsely on the basis of repeatedly changed versions. In the initial version made on 05.03.2022, complainant alleged that some unknown persons had hidden his son. Later on, allegations were made against Chhinder Pal Kaur (maternal

grandmother) and Amandeep Kaur (mother) of the child besides one Hardeep Singh son of Jagtar and all these allegations are found to be false. Subsequently, the grandmother of the child made a statement on 24.04.2022 i.e. more than one month from the date of initial version, nominating the petitioner to be involved in the crime. Learned counsel contends further that the petitioner is in custody for the last approximately two years; that trial may take time to conclude and that the case is dependent upon circumstantial evidence and, so, he be allowed regular bail.

5. Learned State Counsel has opposed the bail petition by submitting that as per the evidence collected during investigation, deceased Sumit had left with the petitioner and was not seen subsequently. However, it is conceded by learned State Counsel that case is dependent upon circumstantial evidence. Testimony of Smt. Daropadi Devi, on whose statement, the petitioner was nominated in the case, has already been recorded during trial, copy of which has been placed on record. Although in her testimony, Daropadi Devi stated that they came to know that petitioner had taken away her grandson Sumit from the shop of M/s Khanna Art but the source of said knowledge is not clear. No motive for the petitioner so as to kill his sister's son, has surfaced, as is contended by learned counsel for the petitioner.

6. It is also informed by learned State Counsel that out of 23 witnesses cited by the prosecution, only two witnesses have been examined so far. As per the custody certificate, petitioner is in custody since 24.04.2022, i.e. for the last approximately 01 year and 10 months. He is not involved in any other case.

7. Having regard to all the afore-said facts and circumstances but without commenting anything further on the merits of the case, the present

petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

March 06, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No