

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-49353-2023

Decided on 27.05.2024

Sukhwinder Singh @ Sukhi

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Arjun Veer Sharma, Advocate for the petitioner

Mr. JS Rattu, DAG Punjab

Sandeep Moudgil, J.

(1). This is a petition under Section 439 CrPC filed by the petitioner seeking regular bail in case FIR No.40 dated 17.03.2021 registered under Sections 302/201/34 IPC at Police Station Sadar Khanna, Police District Khanna, District Ludhiana (Annexure P1).

(2). Brief facts, as culminating in the FIR, is reproduced hereunder:-

“Statement of Jaspal Singh son of Sajjan Singh r/o village Kot Sekhon, Police station Sadar, Khanna, District Ludhiana, aged about 43 years, mb. no. 98142-13638. Stated that I am resident of above said address and doing the job of driver in the My marriage truck. was solemnized in the year 1998 with Charanjit Kaur d/o Darshan Singh r/o Colony at Bhai Sukhe, Mandi Gobindgarh. I have three children. Eldest son Gurpreet Singh is aged around 22 years, who is living at Malaysia for the last 1 years. Younger to him I have a daughter namely Pinki, who is aged around 18 years, who is studying at RIMT college, Gobindgarh. The youngest son namely Gurbinder Singh is aged around 16 years who has studied upto 10th standard and remains at home. My wife Charanjit kaur is aged around 40 years, is a housewife. One or twice a month, she used to visit Kali Mata

temple at Patiala for paying obeisance at her own and staying over night there, used to come back on the next day. On 13.03.2021 it was around 7/7.30pm that we all were at home. Sukhwinder Singh @ Sukhi son of Tara Singh resident of our village Kot Sekhon had come to our house, who remained there for 15 minutes. After he left, my wife also left away by saying that, I am going to pay obeisance at Gurudwara Sahib, for whom we waited till late night, but she did not return to the house. Then we kept on searching for her in the Gurudwara and temples nearby. But did not found. Today at around 09/09.30am my brother Gurdeep Singh received a phone call from Amritpal Singh son of Tara Singh resident of village Deh. Who conveyed that the dead body of one lady is lying there in the cremation ground/graveyards. You go and checked as if the dead body is not of your sister in law (bhabhi) Charanjit Kaur, on which I and my brother Gurdeep Singh came to the cremation ground/graveyard and found that the dead body is of my wife Charanjit Kaur. Which is completely naked and swollen and worms were roaming over the body. Injuries are there at the head with sharp edged weapon and the left arm was amputated with sharp weapon and other injures were also seem to be there. The cloths worn by my wife, having blood was lying near to the dead body. I believe that my wife Charanjit Singh has illicit relation with Sukhwinder Singh @Sukhi son of Tara Singh of our village. Who alongwith his companions has killed my wife with sharp edged weapons and to misappropriated the dead body has thrown the dead body in the cremation ground/graveyard. The motive behind is that my wife was being stopped from visiting her relatives. Due to this, Sukhwinder Singh @ Sukhi aforesaid alongwith his accomplices has committed murder. I alongwith my brother Gurdeep Singh were going to intimate you. You have met, I have read over the statement after I got it recorded in the presence of my brother

Gurdeep Singh, understood, which is correct. Legal proceeding may be initiated. Sd/ Jaspal Singh”

(3). It is submitted that the FIR was registered on the statement of complainant Jaspal Singh that on 13.3.2021 at about 7.00/7.30 PM his wife Charanjit Kaur had gone to Gurudwara Manji Sahib but she did not return back and then after 3 days i.e. on 17.3.2021 at about 9.00/9.30 AM, his brother Gurdeep Singh had received a phone call that an unidentified body of a lady was lying in the cremation ground of the Village and which was subsequently identified to be the dead body of Charanjit Kaur which was badly mutilated. It is only on the basis of bald suspicion of the complainant that petitioner was having illicit relations with Charanjit Kaur therefore have committed murder of Charanjit Kaur.

(4). Learned counsel for the petitioner submits that except the alleged confession made by the petitioner before the husband of the Sarpanch or before the local police, there is no other evidence with the prosecution to connect the petitioner with the murder of wife of the complainant. He further urged that the prosecution has failed to compare the finger prints on the weapon recovered from the site of occurrence and also no weapon or any corroborating evidence was ever recovered from the possession of the petitioner.

(5). He argued that Charanjit Kaur went missing in the evening of 13th March, 2021 and ironically, the complainant or his family did not bother to approach the police authorities reporting the alleged missing of Charanjit Kaur and only after finding her dead body from the cremation ground, that the FIR has been registered. Another submission made on behalf of the petitioner is that the petitioner himself surrendered to the local police on 17.03.2021 when

the FIR was filed against him which shows his *bona fide* and as such, the custody of the petitioner is no longer required since investigation in the case is complete; charges framed and all the PWs have been examined and therefore there is no occasion for the petitioner to induce or pressurize any witness or evade the process of law.

(6). On the other hand, learned State counsel has filed custody certificate dated 26.05.2024 which shows that the petitioner has undergone total sentence of 3 years 1 month and 22 days. He vehemently opposed the prayer made on behalf of the petitioner for grant of regular bail on the ground that the petitioner has himself confessed his misdemeanor before the Sarpanch of the village. Moreover, the petitioner had come to the house of the complainant and remained there for 15 minutes and after the petitioner left, the wife of the complainant Charanjit Kaur also left the house and did not return.

(7). Heard learned counsel for the parties and gone through the record.

(8). The argument raised on behalf of the petitioner that the blood samples taken from the weapon used in the commission of crime has not been compared and it is for the trial court to call for the report of the finger-print expert/forensic report and thereafter to determine as to the involvement of the petitioner. That apart, the prosecution witnesses have fully supported the version and since the petitioner has been allegedly involved in a heinous crime of murder, the argument that the petitioner has been behind the bars for more than 3 years is irrelevant.

(9). Dismissed.

(10). Nothing expressed in this order shall be taken to be an opinion on merits of the case and the trial court shall conclude the trial uninfluenced of the observations made by this Court, expeditiously.

27.05.2024

V.Vishal

1. Whether speaking/reasoned?

2. Whether reportable?

(Sandeep Moudgil)

Judge

Yes/No

Yes/No