



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-15021-2024 (O&M)

Date of Decision:13.01.2025

Rashpreet Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Gaurav Datta, Advocate and
Mr. Vaibhav Bhargav, Advocate for the petitioner.

Mr. Malkiat Singh, DAG, Punjab

Mr. Komalpreet Singh, Advocate for the complainant.

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed under Section 439 of Cr.P.C., for grant of regular bail to the petitioner in case bearing FIR No.471 dated 14.11.2022 under Sections 302 and 34 of IPC (Sections 376(2) and 201 of IPC added later on) registered at Police Station Sohana, District SAS Nagar, Mohali.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been in custody for 02 years, 01 month and 11 days and out of total 16 cited prosecution witnesses, 06 prosecution witnesses including the complainant have already been examined. He further submitted that it is a case where an FIR was lodged by complainant namely Mukhtiar Singh and the complainant stated in his complaint that his daughter who works as a nurse



in a hospital, was not answering her phone, which made him suspicious and thereafter the police informed him of his daughter's death and thereafter the present complaint was lodged. He further submitted that the petitioner was not named in the FIR and it was later on during the investigation his name was nominated and there is no evidence qua the present petitioner and even otherwise also during the course of trial, the complainant has not supported the prosecution's version and he has been declared hostile because in his statement he has stated that he does not know who has killed his daughter. Learned counsel further submitted that the petitioner is involved in one more case under Section 307 of IPC but that itself cannot become a ground for denial of bail to the petitioner and therefore, he may be considered for the grant of regular bail.

3. On the other hand, learned State counsel has opposed the grant of bail to the petitioner by submitting that although the petitioner has faced incarceration for about 02 years but considering the gravity and seriousness of the offence and the allegations against the petitioner, he does not deserve the concession of regular bail. While substantiating his arguments, he submitted that the petitioner was serving as an Assistant Sub Inspector in Punjab Police and his name was not mentioned in the FIR because the complainant who is father of the deceased did not know as to who had committed the offence but during the investigation it was found that the petitioner was constantly in touch with the deceased. From the investigation of the mobile phone and location data, it was revealed that the petitioner was directly involved in the present case. While referring to the reply filed by the respondent-State, learned State counsel submitted that during the investigation, it was found that



the locations of the petitioner and the deceased were the same and from the gallery of the deceased's mobile phone, photographs of the petitioner were recovered. Apart from the above, there are number of other documents and evidence which directly link the petitioner to the deceased. He submitted that it is a case where the complainant i.e. the father of the deceased has not supported the prosecution's version but that itself cannot become a ground for grant of bail to the petitioner considering the seriousness of the offence whereby the deceased, who was working as a nurse in a hospital, was allegedly involved with the petitioner, who was serving as an Assistant Sub Inspector in the Punjab Police. He further submitted that there is reasonable apprehension that if the petitioner is released on bail, he may not only abscond or flee from justice but may also influence the remaining witnesses. Learned State counsel also submitted that the petitioner is involved in two more cases, one pertaining to Section 307 of the IPC and the other to Section 279 of the IPC.

4. Mr. Komalpreet Singh, Advocate has appeared on behalf of the complainant and has filed his Memorandum of Appearance which is taken on record. He submitted that he would like to make his submissions based on the statement made by the complainant during the course of the trial, wherein the complainant stated that he does not know who has committed the offence.

5. I have heard the learned counsels for the parties.

6. It is a case where the custody of the petitioner has come out to be 02 years, 01 month and 11 days. It is a case of the learned counsel for the petitioner that considering the custody of the petitioner and the fact that he was not named in the FIR and he was wrongly nominated in the FIR, he may



be considered for the grant of bail whereas it is a case of learned State counsel that considering the gravity and seriousness of the offence and the direct involvement of the petitioner, he does not deserve the concession of regular bail. So far as the learned counsel for complainant is concerned, he has neither supported nor opposed the grant of bail to the petitioner.

7. As per the allegations contained in the FIR, the complainant who is the father of the deceased, who was working as Nurse in the hospital, he only received information from the police regarding his daughter's death after his phone calls were not being responded by the deceased. During the course of investigation it was found by the police that the petitioner who was serving as an Assistant Sub Inspector in Punjab Police was directly in touch with the aforesaid deceased and rather his photographs and other material etc. were also found in the mobile phone of the deceased. In the reply, details have been so mentioned by the respondent-State including the place of location which are stated to be matched. It is the apprehension of the learned State counsel that if the petitioner, especially being a police officer, is released on bail, he may not only abscond or flee from justice, but may also influence the remaining witnesses, considering the gravity and seriousness of the offence. A perusal of the reply filed by the respondent-State would also show that details regarding the postmortem report have been mentioned in para No.4 whereby different kinds of injuries on the neck etc., have also been mentioned. Further in para No. 5 of the reply, the connection of the petitioner as so investigated by the police with the deceased has also been depicted

8. This Court is of the considered view that, without going into the merits of the case and considering the aforesaid allegations and the role of the



petitioner, this Court does not find any ground for the grant of bail to the petitioner, keeping in view the gravity and seriousness of the offence as stated above

9. Consequently, finding no merit in the present petition, the same is hereby dismissed.

10. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

13.01.2025

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