IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-48650-2024
Reserved on 09.01.2025
Date of decision: 14.01.2025

Sunil Kumar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Argued by: Mr. Rajesh Duhan, Advocate for the petitioner.

Ms. Trishanjali Sharma, DAG, Haryana.

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KARAMJIT SINGH, J.

1. The instant petition under Section 439 Cr.P.C (Section 483 of BNSS 2023) is filed by the petitioner seeking grant of regular bail in criminal case having FIR No.396 dated 22.09.2023, registered under Sections 302, 201, 34 and120-B IPC, at Police Station Pundri, District Kaithal.

2. The allegations in nutshell are that complainant (a police official) received secret information on 22.09.2023 to the effect that on 12.08.2023, Gurdeep Kaur daughter of Jagga Singh eloped with Rohit son of Rambhaj and then FIR No.331 dated 12.08.2023 under Section 363/366-A was registered in Police Station Pundri, on the basis of complaint lodged by Jagga Singh. Thereafter, Rohit was arrested on 13.08.2023 while Gurdeep Kaur started living with her parents. Jagga Singh feeling embarrassed, as his daughter ran away with Rohit, who belongs to scheduled caste community, strangulated Gurdeep Kaur on the night of 16.09.2023

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and with an intention to destroy the evidence, he cremated the dead body of his daughter with the help of petitioner and one Dilbagh Singh. During investigation, the petitioner was arrested.

3. The counsel for the petitioner inter alia submits that there are no allegations against the petitioner that he was involved in killing of Gurdeep Kaur. The only allegations against the petitioner and co-accused Dilbagh Singh are that they helped Jagga Singh in destroying the evidence, as all three of them cremated the dead body of Gurdeep Kaur. It is further submitted that the petitioner is in custody for last more than 7 months and during investigation, no incriminating article was recovered from him. Further, similarly situated co-accused Dilbagh Singh is granted concession of regular bail by the Court of Additional Sessions Judge, Kaithal vide order Annexure P-2 dated 11.03.2024. That in the given circumstances, no purpose is going to be served by prolonging judicial custody of the petitioner.

4. The present petition is resisted by the State counsel who has filed status report by way of an affidavit of Birbhan, Deputy Superintendent of Police HQ, Kaithal. The State counsel submits that the petitioner and Dilbagh Singh helped Jagga Singh in disposing of dead body of Gurdeep Kaur. He further submits that the petitioner in custody for the last more than 7 months but the trial is at its initial stage. However, the State counsel has not disputed the fact that similarly situated co-accused Dilbagh Singh is enlarged on bail by the Court of Additional Sessions Judge, Kaithal vide order Annexure P-2.

5. From the perusal of the FIR coupled with the status report filed

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by the State, it is apparent that the allegations against Jagga Singh are that he killed his daughter and petitioner and Dilbagh Singh later on came into picture as they helped Jagga Singh in cremating his daughter and thus, destroyed the evidence which attracts offence punishable under Section 201 IPC. The petitioner is in custody for the last more than 7 months and the trial is at its initial stage and similarly situated co-accused Dilbagh Singh is already given benefit of regular bail by the Court below vide order Annexure P-2. The State counsel failed to bring to the notice of this Court any apprehension that in case, the petitioner is released on bail, he is going to influence the prosecution witnesses. In the given circumstances, no purpose is going to be served by keeping the petitioner in custody for any longer period.

6. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

14.01.2025 **(KARAMJIT SINGH)**
Yogesh **JUDGE**

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

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