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**(2019) 05 P&H CK 0044**

**In the Punjab And Haryana At Chandigarh**

**Case No :** Criminal Miscellaneous Petition (M) No. 10221 Of 2019

Dhanna Singh @ Gaggu

APPELLANT

Vs

State Of Haryana

RESPONDENT

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**Date of Decision :** 09-05-2019

**Acts Referred:**

Code Of Criminal Procedure, 1973 — Section 439  
Indian Penal Code, 1860 — Section 201, 302

**Citation :** (2018) 4 CriCC 449 : (2018) 3 RCR(Cri) 992

**Hon'ble Judges :** Mahabir Singh Sindhu, J

**Bench :** Single Bench

**Advocate :** Ajay Kamboj, Yashwinder Singh

**Final Decision :** Dismissed

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## **Judgement**

Mahabir Singh Sindhu, J

Present petition has been filed under Section 439 of the Code of Criminal Procedure (Cr.P.C.) seeking bail pending trial in case FIR No.94 dated 09.02.2017, under Sections 302 and 201 of the Indian Penal Code, registered at Police Station Ratia, District Fatehabad.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case as the entire recovery was effected prior to his arrest and even the 'Kotha', which is the alleged place of occurrence, belongs to one Bagga Singh, who is not even accused in this case. Also contends that the petitioner has no connection with the alleged recovery and he is in custody since 11.02.2017.

On the other hand, learned State counsel has opposed the bail application and submits that blood stained bricks and the clothes of the petitioner stained with blood, were recovered during investigation. Therefore, he prays for dismissal of the bail application. Heard learned counsel for the parties and perused the paper book.

It has been alleged that on 08.02.2017, at about 7:00 p.m. the complainant received telephonic call from his wife Jaswinder Kaur that his son namely Kuldeep @ Lovely (since deceased) had not returned to the house. On 09.02.2017, the elder brother of the complainant, namely, Gurnam Singh informed the complainant telephonically that Kuldeep had not yet returned. Then the complainant reached home and was told by his wife Jasvinder Kaur that Kuldeep @ Lovely was taken by Dhanna @ Gaggu-accused on the previous evening at about 6:00 p.m. on a motorcyle. They were searching for Kuldeep @ Lovely and reached at Bhakra Canal and found dead body of his son lying in the canal. There were injury marks on the dead body. The complainant further alleged that his son was murdered and his body was thrown in Bhakhra Canal.

Although, it is the contention of learned counsel for the petitioner that recovery was made prior to his arrest, but the same is not acceptable in view of the deposition of PW-3 and moreover that is to be considered by learned trial Court at the appropriate stage. There is no denial that recovery of blood stained bricks is there in this case, therefore, no ground is made out to release the petitioner on bail.

Hence the present petition is hereby dismissed.

The above observation be not construed as an expression of opinion on merits of the case.

However, keeping in view the custody of the petitioner, learned trial Court is requested to expedite the proceedings and conclude the same within three months from today.