
(2020) 03 P&H CK 0011
In the Punjab And Haryana At Chandigarh
Case No : Criminal Main No. 36005 Of 2019

Gagandeep Singh @ Gaggi @ Gand	Vs	APPELLANT
State Of Punjab		RESPONDENT

Date of Decision : 02-03-2020

Acts Referred:

Code Of Criminal Procedure 1973 — Section 439
Indian Penal Code, 1860 — Section 120B, 201, 302

Citation : (2020) 03 P&H CK 0011

Hon'ble Judges : Raj Mohan Singh, J

Bench : Single Bench

Advocate : P.K.S. Phoolka, J.S. Ghumman

Final Decision : Allowed

Judgement

Raj Mohan Singh, J

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.13 dated 26.01.2018, registered under Sections 302, 201, 120-

B IPC at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

Prosecution story started with the allegations that the complainant Jaswant Singh brother of the deceased made a complaint to the police on

26.01.2018. It was alleged that Sikander Singh @ Gori @ Bunty started visiting the house of his brother Basant Singh @ Billa and he developed illicit

relations with Kuldeep Kaur @ Amni, i.e. sister-in-law of the complainant. Kuldeep Kaur was warned by the family members, but she did not mend

her ways. Sikander Singh @ Gori @ Bunty kept on visiting the house of Kuldeep Kaur @ Amni in the absence of Basant Singh @ Billa.

The FIR has been lodged on the basis of last seen version dated 15.01.2018, when Basant Singh @ Billa went to the house of Jaswant Singh and at

about 12.30 p.m., the complainant Jaswant Singh saw that on a motorcycle Sikander Singh @ Gori @ Bunty, Gaggi @ Gand and Chanchal Singh etc.

had come to the house of Basant Singh and they had a talk with Kuldeep Kaur. After some time Kuldeep Kaur called Basant Singh by sending him a

message and after some time, Sikander Singh @ Bunty @ Gori, Gaggi @ Gand and Chanchal Singh etc. took Basant Singh on their motorcycle.

Thereafter Basant Singh did not return to the house.

The FIR was lodged on 26.01.2018 on the basis of last seen version dated 15.01.2018, when dead body of Basant Singh was recovered. The

complainant identified the dead body which was lying in the Hospital on 26.01.2018 itself. On 27.01.2018, statement of Baljit Singh was recorded by

the Police, wherein he stated that the petitioner had inflicted Sua (ice pickle) blow on the person of deceased Basant Singh.

As per post mortem report of the deceased Basant Singh, no punctured wound was found on his person. Total 11 injuries were found. All were

lacerated wounds. Cause of death has been opined as cerebral damage consequent upon blunt force impact to the head of the deceased which was

sufficient to cause death in ordinary course of nature.

The case appears to be based on circumstantial evidence on the theory of last seen. The FIR was belatedly lodged as earlier wife of the deceased

lodged only missing report on 16.01.2018.

Learned State counsel on instructions from ASI Surjeet Singh submitted that trial of the case is in offing. Out of 38 prosecution witnesses, 16 have

been examined and 5 witnesses have been given up. Material witnesses have been examined. Dr. Navroj Goyal DW-6 has also been examined.

Petitioner is in custody since January 2018. The complicity of the petitioner would remain debatable. Trial of the case may take some time in its

conclusion

At this stage, without adverting to the merits of the case, I am of the view that petitioner, who is in custody since January 2018, can be enlarged on

bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the

satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.