
(2011) 01 P&H CK 0390

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-367 of 2011

Hemant Sharma @ Sonu Sharma

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 06-01-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 439

Penal Code, 1860 (IPC) — Section 201, 302, 34, 364

Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 —
Section 3, 4

Citation : (2011) 01 P&H CK 0390

Hon'ble Judges : Alok Singh, J

Bench : Single Bench

Judgement

Alok Singh, J.—Petitioner has moved an application u/s 439 Code of Criminal Procedure seeking regular bail in a case FIR No. 169 dated 28.12.2009 registered under Sections 302/364/201/34 IPC read with Section 3/4 of S.C. and S.T. Act at Police Station City Ferozepur.

2. The brief allegations of the prosecution against the accused/applicant are that deceased Sukhchain Singh was working at the Mobile Phones shop of Rohit Sethi at Mallanwala whereas his younger brother Nirmal Singh was working at the Karyana of Rajinder Kumar. Deceased Sukhchain Singh used to take mobile phone sets to the house of Rohit Sethi after closing the shop in the evening and used to take back to the shop on the next morning at the time of opening the shop. On 26.12.2009 at about 6.30 PM deceased Sukhchain Singh was going on foot to the house of Rohit Sethi to hand over the mobile phone sets to Rohit Sethi by putting the same into a small bag and at that time complainant Bagicha Singh was standing at Kamalwala Chowk. Co-accused/non-applicant Aman Kumar and accused/ applicant Hemant Sharma alias Sonu Sharma came to deceased Sukhchain Singh on Suzuki Motorcycle and took him with them on the motorcycle towards the house of Rohit Sethi. Thereafter, deceased Sukhchain Singh did not turn up to his house. On the basis of the statement of Bagicha

Singh the present case was registered against the accused/applicant and co-accused/non-applicant Aman Kumar vide FIR No. 169 dated 28.12.2009 u/s 364/34 I.P.C. During investigation it was revealed that the accused/applicant along with his co-accused/non-applicant Aman Kumar had killed deceased Sukhchain Singh by throwing him in the Gang Canal. The offence punishable u/s 302/201 I.P.C. and 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act) 1989 was added later on.

3. Learned Counsel for the Petitioner has argued that in the postmortem report no injury was found on the body of the deceased and cause of death is still not found, hence, Petitioner is entitled to be released on bail.

4. Be that as it may be the fact remains that Petitioner-accused is said to have kidnapped the deceased and thereafter body of the deceased was found in Gang Canal. Considering the gravity of the offence, I am not inclined to enlarge the Petitioner on bail.

5. Dismissed.