

State Vs. Sukhdev Singh

Present: Sh. Sumesh Jain counsel for the applicant.
Sh. D.K. Garg Addl. PP for the state.

ORDER:

1. This order disposes off bail application filed on behalf of applicant Sukhdev Singh U/s 439 Cr.P.C., in case FIR no. 22 dated 30.08.2015 under sections 302/201/120 B IPC registered at Police Station Patran.
2. Upon notice Sh. D.K. Garg Addl. Public Prosecutor has appeared to represent the state and to oppose the bail application.
3. It was argued by the counsel for the bail applicant that the bail applicant is innocent. The main ingredients of Section 302/201/120B IPC are not made out against the accused. The present case was initially instituted on the statement of the bail applicant Sukhdev Singh upon the basis of which an FIR against Rajvir Singh and Gurjant Singh for the offence U/s 363/366A/120B IPC was registered. These people have been arrested but however later on Poonam Rani the daughter of the bail applicant give a twist to the case and has implicated the bail applicant. The case has been got registered under the greed of property and money but there is not even an iota of evidence which would show the involvement of the bail applicant Sukhdev Singh. It is vehemently contended by the counsel for the bail applicant that the prosecution itself is in dilemma as to who is the actual culprit as after reporting of the

incident of missing of Baljit Kaur, two separate charge sheets have been presented in the court one against Rajvir Singh and Gurjant Singh alleging that Baljit Kaur has been abducted by these accused and on the other side in the second report it is alleged that Baljit Kaur has been murdered by Sukhdev Singh the present bail applicant along with his co-accused. Thus the story of the prosecution is ambiguous where on one side they are alleging that Baljit Kaur is alive and is in the custody of Rajvir Singh and Gurjant Singh; in the other case they are alleging that Sukhdev Singh along with his co-accused has killed Baljit Kaur. It was further vehemently contended that the prosecution is relying upon two stories and accordingly the presumption of innocence in favour of present bail applicant has been strengthened. The bail applicant is in custody since a considerably long time. The challan has already been presented. Nothing is to be recovered from the bail applicant hence his bail application may be allowed.

4. On the other hand, Ld. Addl. PP for the state took up the plea that there are serious allegations of the bail applicant Sukhdev Singh having entered into conspiracy along with his co-accused to murder his own daughter Baljit Kaur and thereafter to hush up the matter he has falsely got registered an FIR regarding the missing of Baljit Kaur and her being taken away by Gurjant Singh and Rajvir Singh. It was further contended that after thorough investigation, the challan have been presented in the court and if granted the concession of bail, the bail applicant Sukhdev singh may try to

influence the witness and hamper the process of the trial, hence he may not be granted the concession of bail.

5. Appreciating the contentions aforesaid and having gone through the file, it transpires that initially the FIR no. 223 was got registered on the statement of Sukhdev Singh the bail applicant in this case alleging that he is a resident of village Kallar Bhaini, P.S. Patra and has retired from the army in the year 1980. He has three children. The eldest is Satvir Singh aged 28 years, then his daughter Poonam Rani aged 24 years and another daughter Baljit Kaur aged 17 years who was doing domestic work. On 25.7.2015 Baljit Kaur escaped at midnight without informing anybody. She reached villave Badalgarh Gurudwara Sahib the next morning. The Panchayat made an announcement in the speaker and telephoned the Sarpanch of his village and the Sarpanch brought the daughter of the complainant after sending some men from the village. On 14.8.2015 Kamla Devi sister in law of Sukhdev Singh and wife of Gurdev Singh was going to leave Baljit Kaur at her maternal village Sarwara when Baljit Kaur slipped away. Kamla Devi searched for her but she could not find her and then she informed Sukhdev Singh. They kept searching for her amongst their relatives but they later on came to know that two boys of their village Gurjant Singh and Rajvir Singh had illicit relations with Baljit Kaur and they had taken Baljit Kaur with them again and they were luring his daughter Baljit Kaur of performing marriage with her and they had abducted her and his daughter may be got traced out. During the course of

investigation Poonam Devi D/o Sukhdev Singh filed a complainant against Sukhdev Singh and Kamla Devi alleging that she was living with her maternal aunt Badheri Devi W/o Ram Pal R/o Galiana since her childhood and her elder brother Satvir Singh, sister Baljit Kaur were staying with their parents at village Kallarbhaini. His father Sukhdev Singh was having illicit relations with her maternal aunt Kamla Devi and they used to illtreat her mother and sister. She had gone to village Kallarbhaini to see her mother and sister along with her maternal aunt (mami) but when she inquired about the whereabouts of her sister, her father told them that she had gone to Sirsa but later on she came to know that her sister had not gone to Sirsa and her maternal aunt Kamla Devi and her father Sukhdev Singh were not able to answer any question regarding the disappearance of Baljit Kaur. Ultimately they told her to stay set out of the matter as they had done what they had to and she could not do anything to them. She stated that her sister had been killed by Sukhdev Singh and Kamla Devi.

6. Apparently two charge sheets have been presented out of the same FIR one against Rajvir Singh and Gurjant Singh and the other against Sukhdev Singh. Hence from the FIR itself there are allegations of Sukhdev Singh having murdered his daughter Baljit Kaur and then having tried to mislead the police by reporting different facts regarding disappearance of Baljit Kaur. The allegations against the accused are of a grave nature. The trial is yet to commence, witnesses are also to be examined. At this stage, if

granted the concession of bail, there is every apprehension that the accused may try to win over the witnesses, tamper with the evidence and may also try to flee the trial. Hence keeping in view the gravity of the offence, I do not deem it a fit case where the concession of bail can be granted to the bail applicant and consequently the bail application is dismissed. File be annexed with the main trial.

**Pronounced:
14.1.2016**

**Harinder Kaur Sidhu
Addl. Sessions Judge,
Patiala.**