

IN THE COURT OF DR RAM KUMAR SINGLA,
UID No. PB-0122,
ADDITIONAL SESSIONS JUDGE,
KAPURTHALA.

CNR No.
PBKP010029502020



Case No. BA/1407/2020

Presented on : 20-07-2020

Registered on : 21-07-2020

Decided on : 27-07-2020

Jaswinder Singh, s/o Mangal Singh, aged about 19 years, r/o Village Kalru, Police Station Sultanpur Lodhi, District Kapurthala.

..... Applicant/accused.

Versus

State of Punjab.

..... Respondent.

FIR No.0151 of 20.05.2020,
Under Sections 302, 34 of Indian Penal Code,
Police Station – Sultanpur Lodhi, District Kapurthala.

Application for bail under Section 439 Cr.P.C.

Present: Sh. Pawan Kalia & Sh.R.S.Arora, Advocates for the
applicant/accused.

Sh. Arvind Sahai, Additional PP for the State.

Sh.I.S. Thind, Advocate for the complainant.

O R D E R

The present bail application has been entertained being an urgent hearing while performing duty in the period of closure of courts because of pandemic Covid-19.

2. Sh.I.S.Thind, Advocate, has filed Power of Attorney on behalf of complainant.

3. Record perused. **Arguments have been heard** on this regular bail application of present applicant/ accused in FIR No.0151 of 20.05.2020, who is in custody in the present case since 20.05.2020.

4. Briefly, the facts and circumstances on record necessary to be mentioned herein for consideration of the present regular bail application of the applicant/ accused are that the present case was registered at the instance of Dalip Ram (hereinafter called as complainant) with the version that they are two brothers and one sister. His mother Bawi (since deceased), who aged about 80 years, was also residing with him. His father died since long. On 18.05.2020 at about 10.00 AM, the mother of complainant had went to Punjab National Bank, Tibba, for withdrawing her old age pension. She was also carrying her bank pass book and Aadhar Card. On the same day, his co-villagers Harjinder Singh and Sucha Singh were also went to the said bank. Afterwards, the aforesaid Harjinder Singh drop the mother of complainant near the village. Thereafter, the mother of complainant never came to the house. Then, he received a telephonic call from his cousin Vedi that on 18.05.2020 at about 11.45 AM, the said Bawi mother of the complainant was seen by him moving towards the fields of maize, followed by Jaswinder Singh (present applicant), Gurnoor Singh and Daler Singh. Thereafter, the said Vedi while moving towards that fields of maize, found damaged some part of maize crop in that fields and

a mask was lying there and further moving around 20-22 steps, he found said Bawi lying on the ground having face towards the ground. Her 'Dupatta' was lying around her neck. She was bearing some injuries at her face and feet. He believe that the said Jaswinder Singh, Gurnoor Singh and Daler Singh committed the murder of said Bawi, mother of complainant and accordingly, as per his belief, he informed the complainant. On the basis of said information, as received by the complainant, from said Vedi, he got registered the present case against the present applicant Jaswinder Singh and said Gurnoor Singh and Daler Singh. Thereafter, present applicant was arrested in the present case on 20.05.2020. Aggrieved therefrom, the applicant/ accused has preferred the present application for his regular bail.

5. The learned counsel for the applicant/accused has argued that he has been falsely implicated in the present case. The allegations of the complainant against the applicant are vague and moreover, on the basis of hearsay information. Otherwise also, the applicant is in custody since long in the present case. No purpose will be served by detaining him in judicial custody anymore. Therefore, he is entitled to the concession of regular bail.

6. In support of their contentions, the learned counsel for the applicant/accused have placed their reliance upon (1) '**Prabhu Vs. State of Karnataka, in Criminal Petition No.4101/2017, decided on 6th October, 2017**' (Karnataka), (2) '**Sahil Dahiya & Ors. Vs. State,**

(2015) 6 AD(Delhi) 489' (Delhi), (3) 'Harish Vs. State of Haryana, in CRA-D No.809-DB of 2009 (O&M), decided on 12.03.2020' (P&H) and (4) Vivek Kumar Vs. State of Punjab, (2015) 4 Law Herald 3499' (P&H).

7. On the other hand, learned Additional PP for the State, assisted by the learned counsel for the complainant, has argued that there are serious and direct allegations against the applicant and non applicants in the present case. Investigation is under progress to that allegations. Therefore, the applicant is not warranting the concession of regular bail to him.

8. **Having heard to their rival contentions** and have gone through the file and in reference to the above detailed facts and circumstances on record and of the citations, as referred by the learned counsel for the applicant, though the applicant is in custody after his arrest since 20.05.2020, but no doubt, the allegations against the applicant and his associates are on record on the basis of information as received by Dalip Ram complainant from his cousin Vedi and who had further informed to the complainant just as per his belief that the applicant along with his associates might have committed the murder of mother of the complainant. To such allegations, it is a matter of investigation, which will bring the truth on surface and that investigation proceedings are still under progress. An FIR cannot be an encyclopedia of a crime. So, to this situation and considering the aforesaid facts and circumstances on record,

but without commenting on merits of the case, the applicant is found not deserving the concession of regular bail.

9. Consequently, the present regular bail application of the applicant/accused is hereby declined. Bail application file be consigned to the record room.

Pronounced in open Court.
Dated: 27.07.2020.
Kaushal Kumar

(Dr Ram Kumar Singla),
Additional Sessions Judge,
Kapurthala (Duty). (UID No. PB-0122)

(Directly dictated on computer)