

BA 1562 OF 2019

CNR No.PBAS01-009952-2019

Gurmej Singh	Vs	Kuldip Singh
Respondent-Complainant		Applicant-accused

Present:- Shri Ranjit Singh Chhina, Counsel for applicant-accused.

Shri Lakhwinder Singh Randhawa, counsel for respondent-
Complainant.

ORDER.

1. This application has been filed by applicant-accused Kuldip Singh for anticipatory bail stating that the alleged occurrence is dated 22.07.2017 of midnight and the FIR No.115 of 2017 at Police Station Lopoke was also lodged on 23.07.2017 against Balbir Singh and his other family members. It is alleged in the FIR that on the intervening night of 22-23.07.2017 the dead body of Sukhchain Singh alias Sonu was seen in the field of Chari and it has been alleged that there are injuries on the body of Sukhchain Singh alias Sonu. As per the complainant he is having knowledge that his son Sukhchain Singh alias Sonu was having illicit relations with Harjinder Kaur wife of Balbir Singh and the FIR was recorded on the basis of suspicion. Even later on a detailed inquiry was conducted in the said FIR by Shri Harpal Singh SP(D), Amritsar Rural and it was held that neither Balbir Singh nor any of his family members was having any connection/link regarding the murder of Sukhchain Singh. The applicant is nephew of Balbir Singh and he is having his separate residence alongwith his father and mother.

2. Notice of bail application was given to the complainant-

respondent and Shri Lakhwinder Singh Randhawa, Advocate appeared for complainant-respondent and opposed the present bail application. Trial Court file has been summoned.

3. I have heard learned counsel for the parties and gone through the file of learned trial Court.

4. From the perusal of the file of learned trial Court, I find that a complaint was filed by Gurmej Singh against applicant-accused and 5 others, who all related to each other. As per the allegations of the complainant Gurmej Singh on 22.07.2017 accused Harjinder Kaur called his son Sukhchain Singh alias Sonu through mobile phone at about 10:30/11:00 PM, where all accused persons were already present, who all in furtherance of common intention and while committing criminal conspiracy committed the murder of his son Sukhchain Singh alias Sonu. One FIR was also registered against Balbir Singh and his other family members but thereafter an inquiry was conducted by SP Investigation, Amritsar Rural, who declared all the accused persons as innocent. However, the complainant filed a private complaint vide which made direct allegations against the applicant-accused and other accused persons. The complainant himself has deposed and also examined Jagroop Kaur to prove the allegations against the accused persons and Dr. Charanpreet Kaur Pawar, has been examined as CW3, who has proved the postmortem report of deceased Sukhchain Singh alias Sonu and she has deposed that the cause of death of Sukhchain Singh alias Sonu is in their opinion as **combined effect of asphyxia due to strangulation and squeezing of testicles, which is sufficient to cause of death in ordinary course of nature.** Accordingly I find that there are direct and serious

allegations against the applicant-accused and the extraordinary relief of anticipatory bail cannot be granted to applicant-accused Kuldeep Singh. Even otherwise, the Hon'ble Apex Court has held in case titled as **Jai Parkash Singh vs State of Bihar & Another** reported as 2012(2) RCR(CrL) 251 “that Anticipatory bail cannot be granted as a matter of rule. Anticipatory bail being an extraordinary privilege should be granted only in exceptional cases”. In the present case, there is no extraordinary or exceptional circumstance. Accordingly, the applicant-accused is not entitled for anticipatory bail. So, the bail application filed by applicant-accused is hereby dismissed. Lower Court record be returned alongwith copy of this order. File of present bail application be consigned to the record room.

PRONOUNCED IN OPEN COURT.

DATED : 22.04.2019

***(PUSHVINDER SINGH)
ADDITIONAL SESSIONS JUDGE,
AMRITSAR
UID No.PB0116***

Naresh Kumar,
Stenographer, Grade-II

I attest to the accuracy
and the authenticity
of this document