

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

Date of Decision: August 24, 2015

1. CRM-M 10820 of 2015

Jagtar Singh @ Kanshi

.....Petitioner

Vs.

State of Punjab

.....Respondent

2. CRM-M 13281 of 2015

Deep Raj Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr.B.S. Sra, Advocate for the petitioner
in CRM-M 10820 of 2015.

Mr. Bipan Ghai, Sr. Advocate with
Mr. Vishvajit S. Virk, Advocate for the petitioner
in CRM-M 13281 of 2015.

Ms.H.K. Athwal, DAG, Punjab.

Mr. S.P.S. Sidhu, Advocate for the complainant.

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M.M.S. BEDI, J. (ORAL)

This order will dispose of two petitions bearing CRM-M 10820 and M-13281 of 2015 for grant of regular bail in a case FIR No. 128 dated May 6, 2014 under Sections 222, 223, 224, 364, 342, 302, 201 and 120-B IPC registered at Police Station Civil Lines, Amritsar. The above said FIR was initially registered on the information of ASI Gulshan Bir Singh reporting that Bikramjit Singh, a life convict, had escaped from his custody while he was admitted in Guru Nanak Dev Hospital, Amritsar. Subsequently, a complaint was filed the next day on May 7, 2014 by Dalbir Singh, brother of Bikramjit Singh that his brother had been forcibly taken by ASI Gulshan Bir Singh. On May 8, 2014, the dead body of Bikramjit Singh was found floating in water channel by Om Parkash, a fitter at Anandpur Sahib Hydel Channel. A special investigation team to investigate the matter was constituted on May 10, 2014. During the course of investigation, one PW Iqbal Singh had made a statement that ASI Gulshan Bir Singh made an extra-judicial confession that he had gone to Amritsar with his team on May 5, 2014 at the instance of Narang Singh and on the statement of Iqbal Singh Tung, ASI Gulshan Bir Singh was arrested. Gulshan Bir Singh made a disclosure statement under Section 27 of the Evidence Act and got recovered Mahindra Bolero vehicle belonging to Bikramjit Singh from Dhaliwal Thind Canal. On arrest of ASI Sawinder Singh, during investigation it transpired from his disclosure statement that Bikramjit Singh had been tortured to death and the articles i.e. the bucket, mug and the piece of clothe were recovered

regarding torture of Bikramjit Singh. It also transpired during investigation that police officials needed 100 grams of heroin and Bikramjit Singh was asked to arrange the same. On May 5, 2014 when Bikramjit Singh had arranged the same and was coming in front of Mal Mandi in his Mahindra Bolero Car, ASI Gulshan Bir Singh alongwith his other police officials had planned to apprehend him red handed alongwith heroin. On seeking the police party, Bikramjit Singh had called HC Amandeep Singh that he was approaching in front of Lifeline Hospital. At about 6.30/ 6.45 Bikramjit Singh came in front of Lifeline Hospital, Amritsar where on seeing many police officials he scattered the heroin on ground. The police officials gave beatings to him and kidnapped him alongwith Mahindra Bolero vehicle and took him to Batala where Inspector Narang Singh had also come. Bikramjit Singh was tortured and he died on account of torture. His dead body was thrown in Anandpur Sahib Canal alongwith Mahindra Bolero vehicle.

So far as petitioner Deep Raj Singh is concerned, he is alleged to have conspired with Narang Singh and permitted him to use the building of his tractor agency to torture and kill Bikramjit Singh.

Counsel for the petitioner has vehemently contended that the petitioner has neither any knowledge nor any intention to torture the deceased to death. He was neither present on the spot nor he has been attributed any specific role except that without his knowledge his tractor agency has been used. Counsel for the petitioner has referred to the statement of Iqbal Singh who appeared as PW2 to establish the extra-judicial

confession of ASI Gulshan Bir Singh that Gulshan Bir Singh had told him that he alongwith other police officials alongwith a private person had been working with Inspector Narang Singh and that at the instance of Narang Singh, Head Constable Amandeep Singh and Head Constable Lakhwinder Singh had brought Bikramjit Singh, deceased, near Lifeline Hospital, Amritsar and that it was disclosed to him that from Bikramjit Singh police had to recover heroin but when no heroin was recovered, accused Gulshan Bir Singh had taken Bikramjit Singh to Guru Nanak Tractor Workshop, Qadian Road at the instance of Inspector Narang Singh where Narang Singh had also reached. The legs and arms of Bikramjit Singh had been caught-hold by the police officials and water was poured on his mouth and one police official was made to sit on Bikramjit Singh, as a result of which he suffered pain and his movement stopped. Thereafter Inspector Narang Singh had put Bikramjit Singh in the middle seat of his car. Dead body of Bikramjit Singh was held by two police officials. HC Lakhwinder Singh had driven the car. With the aid of other police officials the body was thrown in the canal. Counsel has submitted that no role has been attributed to petitioner Deep Raj Singh by any of the prosecution witnesses. It was even in the extra-judicial confession of Gulshan Bir Singh, the name of the petitioner does not find any mention. 15 witnesses have been ut they have not named the petitioner.

So far as petitioner Jagtar Singh is concerned, a perusal of the statement of witnesses indicate that his name finds mentioned in the

disclosure statement as well as in the statement of Iqbal Singh Tung before whom the extra-judicial confession has been made. He participated in the torture as well as other activities though he is not a man of police force. It was argued on behalf of petitioner Jagtar Singh that he had been falsely implicated in the case on the allegation of conspiracy. On acquiring knowledge that he has been implicated in the case, he himself surrendered before the Court on June 18, 2014 and that he has been in custody since June 19, 2014. Merely because he is alleged to be working as private source of the police party of Inspector Narang Singh, he has been wrongly implicated.

I have considered the contentions of learned counsel for both the accused. The role of petitioner Jagtar Singh of having participated in the torture which resulted in death of Bikramjit Singh has to be appreciated on the basis of the circumstances which have come on the record in the form of statement of witnesses. Petitioner Jagtar Singh having been attributed specific role, it will be premature to examine the relevancy of the evidence produced before him by entering into the niceties of the trial as such no ground is made out to grant the concession of bail to petitioner Jagtar Singh.

Petitioner bearing CRM-M 10820 of 2015 filed by petitioner Jagtar Singh @ Kanshi, is thus dismissed.

So far as petitioner Deep Raj Singh is concerned, his tractor agency has been permitted to be used by the police. No doubt, PW Sukhjinder Singh has established that petitioner has got close connections with Inspector Narang Singh and on account of said relationship, the

evidence on behalf of the prosecution agency is being produced to establish whether the act of the petitioner will fall within the definition of criminal conspiracy. Whether the evidence of conspiracy would fall under the definition of Section 10 of the Evidence Act; and whether the agreement of the petitioner to permit an illegal act by the main accused resulting in the murder of deceased warrants conviction, cannot be seen on appreciation of evidence at this stage as it will be premature to assess at this stage whether the act of the petitioner tantamounts to 'aiding' the illegal act but on account of the evidence that the petitioner has close relation with the main accused, chances of tampering with the evidence cannot be ruled out. The petitioner Deep Raj Singh, at this stage is not entitled to concession of bail.

Petition bearing **CRM-M 13281 of 2014** filed by petitioner **Deep Raj Singh** is dismissed at this stage.

August 24, 2015
sanjay

(M.M.S.BEDI)
JUDGE