

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH.**

**CRM-M No.9505 of 2018**

Date of Decision: 20.08.2018

Jasjit Singh @ Jassi

....Petitioner

Versus

State of Punjab

....Respondent

***BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY***

Present:- Mr. J.B.S. Gill, Advocate  
for the petitioner.

Ms. Rashmi Attri, A.A.G., Punjab.

Mr. R.S. Rai, Sr. Advocate  
with Mr. Gautam Dutt, Advocate  
for the complainant.

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**DAYA CHAUDHARY, J. (ORAL)**

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.51 dated 29.03.2016 registered under Sections 302/454/380/411/120-B IPC at Police Station Chabbewal, District Hoshiarpur.

Learned counsel for the petitioner submits that it is blind murder case and is based on circumstantial evidence but all circumstances have not been connected. There was delay in lodging of the FIR. Both the deceased were killed on 27.03.2016 and the matter was reported to the police on the next date i.e 28.03.2016. As per complaint made

Kuldeep Singh, Surinder Singh and Bachittar Singh along with other persons were present in the house of the deceased but he did not make any complaint before the police authorities about the occurrence. Learned counsel also submits that neither the name of the petitioner is mentioned in the FIR nor even a single suspicion has been raised. There was no external mark of injuries on the dead bodies. All the household articles were found to be intact. There was no damage to the articles lying in the house. Learned counsel also submits that the allegations are there that there was a conspiracy between the petitioner and co-accused Kirandeep Kaur, who has been released on regular bail vide order dated 11.01.2018 passed in **CRM-M No.37774 of 2017** by this Court. The petitioner is in custody since 27.04.2016 and all material witnesses have been examined. The trial may take some more time to conclude and no useful purpose would be served by keeping the petitioner behind bars when co-accused Kirandeep Kaur has already been released on regular bail.

Learned State counsel has not disputed the custody period but has opposed the submissions made by learned counsel for the petitioner on the ground that the articles were recovered from the petitioner and those articles were verified by the children of the deceased.

Heard the arguments of learned counsel for the parties and have also perused the documents available on the file including the order passed in case of co-accused Kirandeep Kaur.

As per statement of complainant Kuldeep Singh, he had received a telephonic call on 28.03.2016 from his other sister namely Vijay Kumari stating therein that she had gone to the house of Santosh Kaur and had discovered Santosh Kaur and her husband Sukhdev Singh who were not

responding to the mobile calls. Thereupon, the complainant along with his wife Manjit Kaur went to the spot and found bodies of Santosh Kaur and Sukhdev Singh. There was no external marks of injury found on the bodies of deceased. Initial statement of the complainant was recorded, wherein, it was stated that the death of both sister and brother-in-law appeared to be unnatural and accordingly postmortem of the dead bodies be got done and reason of death be ascertained. However, the complainant stated that he had no suspicion over anybody. As per Post Mortem Report, the cause of death of both Santosh Kaur and Sukhdev Singh was given as *asphyxia* and by way of smothering.

In the order passed in case of co-accused Kirandeep Kaur, it has been mentioned that the prosecution is relying upon certain data extracted from the mobile phone recovered from the main accused Jasjeet Singh which reflects certain Whats App having been received on his phone from petitioner/accused Kirandeep Kaur. As per challan, the mobile phone make 'Lenovo A-6000' of Kirandeep Kaur, which was recovered was sent to the Forensic Science Laboratory but as per report Ex.2, data could not be extracted from the mobile phone. However, data from the Micro S.D Card of such phone was extracted and a soft copy of the data was provided but it does not corroborate Whats App messages contained in the phone recovered from Jasjeet Singh. By considering that all these allegations are to be looked into by the trial Court, Kirandeep Kaur was released on regular bail vide order dated 11.01.2018.

In view of the facts and circumstances that all material witnesses have already been examined; the allegations are matter of record, which are to be seen by the trial Court; petitioner is in custody for the last

about two years and four months and that co-accused Kirandeep Kaur has already been released on regular bail, the present petition is allowed and petitioner, namely, Jasjit Singh @ Jassi is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

20.08.2018

**gurpreet**

Whether speaking/reasoned

Whether Reportable

**(DAYA CHAUDHARY)**  
**JUDGE**

Yes/No

Yes/No