

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

**CRM-M No.34052 of 2019 (O & M)
Date of Decision:-27.09.2019**

Navdeep Singh @ Ballu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Veneet Sharma, Advocate
for the applicant-petitioner.

Mr. Balbir Singh Sewak, Addl. A.G., Punjab.

Mr. L.M. Gulati, Advocate
for the complainant.

MANOJ BAJAJ J.(Oral)

CRM-26692-2019

Allowed as prayed for.

CRM-M-34052-2019

Petitioner-Navdeep Singh @ Ballu has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 0187 dated 23.10.2018, under Sections 302 and 201 IPC read with Section 34 IPC and Section 25 of the Arms Act, registered at Police Station 'B' Division, Amritsar City, District Amritsar. The petitioner is in custody since his arrest on 19.3.2019.

The FIR was registered on the statement given by complainant Balwinder Singh, wherein it was alleged that he retired as Manager from the Co-operative Bank, Amritsar and his elder son Amandeep Singh @ Dedh was doing labour work in Saharanpur, (U.P.) and used to reside there, who had come to Amritsar three days back. According to the complainant about 6-7 months before his son Amandeep Singh had a fight with Navdeep Singh @ Ballu Chor and Harpal Singh and in that regard Navdeep Singh @ Ballu Chor had got FIR registered against Amandeep Singh and others at Police Station Maqboolpura. It was alleged that they used to say that they would kill his son Amandeep Singh @ Dedh. On 23.10.2018 when the complainant tried to contact his son Amandeep Singh @ Dedh on phone, it was found switched off and at around 8.00 am, he came to know that dead body of his son Amandeep Singh @ Dedh was lying in a vacant plot wrapped in a blanket. The complainant expressed suspicion that Navdeep Singh @ Ballu Chor and Harpal Singh intoxicated his son to death and threw his dead body in the vacant plot.

Learned counsel for the petitioner contends that the son of the complainant was a drug addict and he died due to over dose of drug. According to him, though the suspicion was expressed upon the petitioner and one Harpal Singh, however, according to the prosecution, during investigation, two persons, namely, Gurpreet Singh @ Bamb and Narvinder Singh @ Kala Ramadi were arrested, who suffered statement before the police, wherein they had stated that the said crime was committed by both of them. According to the said statement of both these accused, Amandeep

Singh @ Sunny Dedh had met them on 22.10.2018 at his residence and showed them a countrymade pistol and two live cartridges. He was having a mobile phone also. After seeing the pistol, they both decided to kill Amandeep Singh @ Sunny Dedh by giving him intoxication. Learned counsel for the petitioner contends that the petitioner was not attributed any role in the said statements of Gurpreet Singh @ Bamb and Narvinder Singh @ Kala Ramadi given before ASI Baljit Singh. He submits that the investigation of the case is complete and therefore, further custody of the petitioner may not be justified.

On the other hand, the prayer is opposed by Mr. Gulati, learned counsel for the complainant as well as learned State counsel, who is assisted by ASI Raj Kumar. It is contended by learned counsel for the complainant that the above said two accused Gurpreet Singh and Narvinder Singh suffered extra judicial confession before Narinder Singh @ Nandu, wherein it was mentioned that the petitioner participated in the crime alongwith them. He submits that the petitioner was the person, who caught hold of the legs of the victim, whereas the other two accused administered the intoxication.

At this stage, Mr. Sharma submits that there was no occasion for recording extra judicial confession of these two accused, particularly when the statement before the police was already recorded. According to him there is material variation in the two statements given by accused, Gurpreet Singh @ Bamb and Narvinder Singh @ Kala Ramadi.

This fact is not disputed by Mr. Gulati, learned counsel for the

complainant that in the first statement recorded before ASI Baljit Singh, the petitioner was not named as a co-accused in the occurrence.

Considering the above, custody of the petitioner and the fact that the trial is yet to commence and would consume considerable time, therefore, further detention of the petitioner may not be justified. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing the requisite bail bonds and surety bonds to the satisfaction of the trial Court Amritsar.

The petition is allowed.

September 27, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No