

205

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

CRM-M No. 8788 of 2020 (O&M)
Date of Decision: 22.12.2020

Jagtar Singh

-Petitioner

Vs

State of Punjab

-Respondent

CRM-M No. 7886 of 2020 (O&M)

Charan Singh

-Petitioner

Vs

State of Punjab

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. A.D.S. Sukhija, Advocate,
for the petitioner (in CRM-M No.8788 of 2020).

Mr. P.S. Sullar, Advocate,
for the petitioner (in CRM-M No.7886 of 2020).

Mr. M.S. Nagra, A.A.G., Punjab.

Mr. P.S. Ahluwalia, Advocate,
for the complainant (in both the cases).

RAJ MOHAN SINGH, J.

1. The case has been taken up for hearing through video conferencing.

2. Vide this common order, CRM-M No. 8788 of 2020 titled 'Jagtar Singh vs State of Punjab' and CRM-M No. 7886 of

2020 titled 'Charan Singh vs State of Punjab' are being disposed of.

3. Since both the petitions have arisen from one FIR, therefore, common facts are being noticed.

4. Petitioner(s) seek(s) grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.87 dated 18.11.2018 under Section 302 IPC and under Sections 25, 27 of Arms Act (Offence under Sections 420, 120-B, 467, 468, 471, 473 IPC added later on and Section 27 of Arms Act deleted subsequently) registered at Police Station Sadar Rajpura, District Patiala.

5. FIR was registered by Jaspreet Singh son of Swaran Singh on the allegations that his father Swaran Singh used to visit graves of martyrs every month in village Uksi Sainiyan for paying obeisance. On 18.11.2018, father of the complainant went to the aforesaid village in his car. The complainant also went to same place in his own car. The complainant and his father remained in the Gurdwara for about 1½ hours and thereafter, the complainant started for Chandigarh in his car whereas his father remained in Gurdwara. At about 1 P.M., the complainant was informed by someone that the car of his father was lying in the ditches adjacent to service road opposite to a bridge on the side of Ugana petrol pump. The complainant

along with his friend Preet Inder Singh rushed to the spot and saw that his father was lying dead on the driver seat of the car and blood was oozing out from his head and his clothes were smeared with blood. Three empty cartridges were found in the car.

6. FIR was registered against unknown persons. Petitioner Jagtar Singh recorded his extra judicial confession before Surjit Singh (PW1) according to which Charan Singh @ Chunnu and Kartik Chauhan were engaged by Jagtar Singh through his brother-in-law Satwinder Singh for committing murder of Swaran Singh. Charan Singh @ Chunnu fired upon Swaran Singh on 18.11.2018 after alighting from his car which was driven by Kartik Chauhan.

7. Learned counsel for the petitioner namely Jagtar Singh submitted that there were some dealings between the petitioner and Swaran Singh and there was no motive for the petitioner to commit the aforesaid offence. He placed reliance upon the report of Chartered Accountant filed by the Investigating Officer along with challan and submitted with reference to the entries. In the column of observations, banking transactions have been shown between the deceased and his family with the petitioner showing net payment of Rs.82,28,000/- to the petitioner.

8. Learned counsel for the petitioner further referred to payment entries dated 25.11.2014 of the amount of Rs.1,010,000/- in the name of Jaswinder Singh who is brother of the deceased, entry dated 11.05.2018 in the sum of Rs.94,000/- in favour of Swaran Singh and also relied upon account statement of the petitioner showing that an amount of Rs.39 lacs stood paid by the petitioner to the complainant party out of total amount of Rs.82,28,000/-. The aforesaid data has not been accounted for in the report of Chartered Accountant.

9. *Per contra*, learned State counsel duly assisted with learned counsel for the complainant opposed the bail on the ground that case of the petitioner(s) is/are not at par with the case of co-accused Kartik Chauhan and Satwinder Singh who have been granted regular bail by this Court.

10. Learned counsel for the complainant submitted that the petitioner(s) is/are the main accused. Charan Singh @ Chunnu had fired at Swaran Singh on 18.11.2018. Empty cartridges were recovered from the car of the deceased. Empty cartridges were sent to Forensic Science Laboratory prior to recovery of pistol in pursuance of disclosure statement of co-accused Charan Singh @ Chunnu. When the pistol was sent to FSL for examination, the report of FSL, would show that empty cartridges were fired from the same pistol, thereby establishing

involvement of Charan Singh @ Chunnu as the person who had fired at Swaran Singh.

11. Learned counsel for the complainant further submitted that as per prosecution allegations, main accused Jagtar Singh had cheated the deceased in huge amount and Jagtar Singh was having apprehension that deceased Swaran Singh would involve him in some proceedings and therefore, he asked his brother-in-law Satwinder Singh to make arrangement for elimination of Swaran Singh. They hired the services of contract killer Charan Singh @ Chunnu and Kartik Chauhan who was alleged to be the driver of the vehicle used in the crime.

12. Charan Singh @ Chunnu had suffered disclosure statement on 25.12.2018 in respect of pistol and in pursuance thereof, he got the same recovered from his house. Pistol on being sent to FSL gave the matching configuration *vis-a-vis* empty cartridge recovered from the car.

13. Learned counsel for the complainant further submitted that Swaran Singh was sitting on the driver seat and the seat belt was put on. The seat belt was untied and when dead body was inspected, it was found that the deceased had received bullet shots on right side of his head, ear, on the temple and right side of his chest. Two empty cartridges of 32

bore were found near driver seat on the mat and one empty cartridge of 32 bore was found on the back seat of the car towards left side along with one fired bullet. One fired bullet was found near conductor side seat. Three empty cartridges of 32 bore and two fired bullets lead were recovered. The fingerprints of accused Charan Singh @ Chunnu were obtained. The fingerprints were compared with the fingerprints obtained from the car of the deceased. As per report of Fingerprint expert, the same were having matching configuration. Similarly, CDR of the mobiles recovered from the accused was obtained from the concerned companies and after getting the same checked from the office of SSP, Patiala Cyber Cell, it was found that the accused persons had gathered on 19.10.2020 for recci purpose. On 20.10.2018, they gathered in Mohali in order to make a plan. On 03.11.2018, brother-in-law of Jagtar Singh i.e. Satwinder Singh and Charan Singh @ Chunnu went to Uttar Pradesh for arranging weapon and they came back on 04.11.2018 and thereafter, they met at Saha. On 11.11.2018, on the occasion of birthday of Satwinder Singh, all the accused were together at Red Huts Resorts and even one day prior to the day of murder i.e. 17.11.2018, three accused were together. On 18.11.2018, as per instructions of Jagtar Singh, none of the accused persons took their mobile phones at the place of occurrence.

14. Learned counsel for the complainant further submitted that the aforesaid scientific investigation is found to be fully in consonance with extra judicial confession of the main accused Jagtar Singh made before Surjit Singh (PW1).

15. Disclosure statement of Charan Singh @ Chunnu had resulted in recovery of pistol with two live cartridges. Extra judicial confession of Jagtar Singh would be admissible qua the author himself under Section 30 of Evidence Act and on the basis of aforesaid legal position, it cannot be said that extra judicial confession is a weak type of evidence so far as Jagtar Singh is concerned.

16. The call details, ballistic report, FSL report, Fingerprint report received by the prosecution would show that the police has conducted scientific investigation and all the events have been found to be in consonance with the extra judicial confession made by Jagtar Singh in front of Surjit Singh (PW1).

17. At this stage, this Court would not like to comment upon legality of material collected by the police as the same may result in causing prejudice to the parties at the trial. Petitioners are found to be the main accused. Extra judicial confession of Jagtar Singh would be tested at the threshold of legal parameters of Evidence Act.

18. Charan Singh @ Chunnu is the person who infact fired upon deceased Swaran Singh. Complicity of the accused petitioner(s) at this stage is in the form of main accused and *prima facie* consideration of material at this stage would not entitle either of them for bail. In view of above, the prayer for interim bail made on behalf of Charan Singh (CRM-23216-2020 in CRM-M-7886-2020) is also dismissed.

19. In view of aforesaid, no indulgence can be granted in favour of the petitioner(s).

20. *Dismissed*, at this stage.

12.12.2020
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No