

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

**CRM-M No.13835 of 2020
Date of Decision : 16.06.2020**

Ranjit Singh alias Rana

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Ashish Aggarwal, Advocate
for the Petitioner.

Mr. Ajay Pal S. Gill, Dy. Advocate General, Punjab
for the Respondent/State.

SUDIP AHLUWALIA, J. (ORAL)

The instant Petition has been filed under Section 439 of the Code of Criminal Procedure seeking Regular Bail in case FIR No.28, dated 14.05.2018, registered under Sections 302, 364, 201, 148, 149, 120-B of the Indian Penal Code, 1860 at Police Station Khem Karan, District Tarn Taran.

2. The Petitioner was initially named in the FIR but during investigation the Police found no material against him and, therefore, kept his name in Column No.2 of the Challan.

3. Nevertheless, during the course of trial, the Complainant in his deposition as PW-1 reiterated his allegation against the Petitioner, on the basis of which, the Ld. Trial Court directed summoning the Petitioner under Section 319 Cr.P.C., to face trial.

4. Ld. Counsel for the Petitioner has highlighted the fact that no actual overt activity has been imputed to the Petitioner in the original

FIR and that the Claim/Statement of the Complainant against him in that regard is actually on the basis of his own suspicion/opinion.

5. At this juncture, it would appear proper to go through the allegations in the original FIR as also the relevant Statement of the Complainant which resulted in summoning of the Petitioner under Section 319 Cr.P.C. The relevant extract from the original FIR (Annexure P-1) is set out as below :-

...Today morning when I was going to haveli to feed the animals, I saw Jassa Singh s/o Kabal Singh, his brothers Sher Singh and Harpal Singh wrapped something in white carpet went out of the house of Jassa Singh and entered the house of Bohar Singh s/o Kabal Singh and Harpal Singh which is opposite to that house. Manjit Kaur w/o Jassa Singh and Manpreet Kaur w/o Harpal Singh followed them. Daya Singh s/o Major Singh, Jatt, r/o Khem Karan who is brother in distant relation told that yesterday he saw Jassa Singh and sSher Singh caught Hassanpreet Singh and took him to the house of Jassa Singh. Parents of Ramandeep Kaur d/o Jassa Singh, aged 18 years, were having doubt that she and my son Hassanpreet Singh are having physical relations. Jassa Singh and Sher Singh are living together in one house. Harpal Singh s/o Kabal Singh and Bohar Singh s/o Kabal Singh are living together in separate house. Their son Ghulla s/o Bohar Singh, Rana s/o Sher Singh and Akash s/o Jassa Singh on the doubt of physical relations of Ramandeep Kaur and Hassanpreet Singh might have killed them and hidden their dead bodies. So many people have gathered and I have full hope that they might have hidden the bodies...

6. Thereafter, the Complainant in his deposition before the Ld. Trial Court gave the following Statement :-

.....Jassa Singh and Sher Singh had the residence on the one side of the street of one house and opposite to their house is the residence of Bohar Singh and Harpal Singh and their sons Ghulla son of Bohar Singh, Rana son of Sher Singh, Akash son of Jassa Singh have conspired with each other and with the common intention of each other, they have committed the murder of my son. Hasanpreet Singh and Ramandeep Kaur daughter of Jassa Singh as they were suspicious that they both had illicit relations with each other and due to this also concealed the dead bodies of both Hasanpreet Singh and Ramandeep Kaur in their own houses..”

7. From the above underlined extracts in the original FIR as reproduced in Para No.5 above, it is clear that the Complainant had mentioned about involvement of Petitioner and two other persons namely Ghulla and Akash by way of speculation since the language used is that those persons, “on the doubt of physical relations of Ramandeep Kaur and Hasanpreet Singh might have killed them and hidden their bodies”.

8. Thereafter, in the deposition reproduced above, the Complainant has again stated that Harpal Singh and son of Bohar Singh (Ghulla), the Petitioner herein, and Akash have “conspired with each other” and with their common intention have committed the murder of his son. It is, however, noteworthy that in the body of the FIR reproduced above, there is no allegation of the Petitioner having been seen to carry anything suspicious, as was visible in case of co-accused Jassa Singh and his brothers Sher Singh and Harpal Singh followed by their wives Manjit Kaur and Manpreet Kaur. Suspicious movements of those persons were also corroborated by Daya Singh, a distant relation of the Complainant.

9. In such circumstances, essentially the involvement of sons of the culprits namely Ghulla, Rana (Petitioner) and Akash are even by the own original admission of the Complainant based upon his supposition that they might have committed the murder, being the family members of those accused persons, who were seen to be carrying away suspicious objects, presumably dead bodies of the Victims.

10. In this backdrop, in the opinion of the Court, finding the Petitioner as innocent by the Police during their investigation cannot be regarded as altogether unreasonable or perverse, and it would appear that the Complainant being aggrieved with the murder of his son, has sought to rope in all the family members of Jassa Singh (father of the deceased Ramandeep Kaur) and their close relations and acquaintances.

11. In such circumstances, this Court is of the view that no sufficient grounds exist to keep the present Petitioner in further detention after he has already remained in imprisonment for more than 08 months since 10th October, 2019.

12. Ld. Counsel for the State in all fairness has conceded that apart from the aforesaid deposition of the Complainant-Parvinder Singh and his allegation in the original FIR, both of which cannot be treated as cogent or categorical, there is no other available material to further implicate the Petitioner.

13. In the totality of all the above circumstances and also considering that two of the accused persons namely Manjit Kaur and

Manpreet Kaur, who were also specifically named in the FIR, have already been granted Regular Bail by a Co-ordinate Bench of this Court in CRM-M No.57352 of 2018 on 26th November, 2019, this Court is inclined to grant the similar relief to the present Petitioner. He may, therefore, at this stage, is ordered to be released on bail on furnishing adequate Bail Bonds and Surety Bonds to the satisfaction of the Ld. Trial Court concerned.

14. It is, however, clarified that any observation made in this order will have absolutely no bearing on the actual merits of the case at its final stage, and the Ld. Trial Court shall come to its own independent conclusion regarding the alleged involvement of the Petitioner in the crime, wholly on the basis of the evidence available before it.

15. Disposed off.

June 16, 2020
Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No