

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

**CRM-M No.5918 of 2020 (O&M)
Decided on: 03.12.2021**

Paramjit Singh @ Ricky

....Petitioner

Versus

Central Bureau of Investigation and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Sunil Agnihotri, Advocate
for the petitioner.

Ms. Shubra Singh, Advocate
for respondent No.1.

Mr. Joginder Pal Ratra, DAG, Punjab
for respondent No.2.

ARVIND SINGH SANGWAN J.

Prayer in this 2nd petition for grant of regular bail in FIR No.RC0512019S0002 dated 02.01.2019 (wrongly mentioned as 14.10.2019 in District Court Order) registered under Sections 302, 201 and 34 of the Indian Penal Code, 1860 (in short 'IPC') at Police Station CBI, SCB, Chandigarh.

The earlier one was dismissed on 10.12.2018 by passing the following order in CRM-M No.39462 of 2016:-

“An incident took place on 09.02.2016. Innova car bearing registration no. PB-07-R-4734 was found from the Kandi canal. From the said vehicle, dead body of Jagpreet Singh @ Jaggi was recovered. Statement of Pardeep Singh, uncle of deceased was recorded on

09.02.2016. He stated that it was a case of accident. Accordingly, police started proceedings under section 174 Cr.P.C. DDR No. 31 dated 10.02.2016 was registered on the basis of statement of Paramjit Singh @ Ricky. He stated that he alongwith Gurjinder Singh @ Lambar and deceased Jaspreet Singh @ Jaggi were going in Innova car from Datarpur to their respective villages. When they reached near Hanuman Mandir at village Karora Badala, an alto car suddenly came in the front. Due to this, driver of Innova car lost control and same fell in Kandi canal. Petitioner i.e. Paramjit Singh @ Ricky and Gurvinder Singh were stated to have come out of the car themselves while deceased Jagpreet Singh @ Jaggi was pulled out. Thereafter, ambulance was arranged and they were taken to Civil Hospital, Hazipur. Jagpreet Singh @ Jaggi was declared dead by the doctors at Civil Hospital, Hazipur. On 13.02.2016, uncle of the deceased Pardeep Singh made a statement to the police alleging that his nephew had been murdered. Resultantly, FIR No. 9 dated 13.02.2016 was registered against Gurjinder Singh @ Lambar, Paramjit Singh @ Ricky, Amit Kumar @ Bread and Navjot Singh @ Rocky under sections 302/201/34 IPC, Petitioner co-accused Gurjinder Singh @ Lambar and Amit Kumar @ Bread were arrested on 14.02.2016. They suffered disclosure statements and admitted that Navjot Singh @ Rocky gave blows of iron strip on right side of head, feet and right hand of deceased. At that time, Paramjit Singh @ Ricky and Gurjinder Singh @ Lambar caught hold the legs of deceased and Amit Kumar @ Bread sat on his back. In this manner, murder of Jagpreet Singh @ Jaggi was committed. On the statement of Amit Kumar, iron strip used in the occurrence and Innova car bearing registration no. PB-07-R-4734 were recovered. Viscera report was obtained on 17.12.2016. As per Chemical Examiner report, no poison was detected but Ethyl Alcohol was present. After obtaining Chemical Examiner report, opinion of the Medical officer was obtained. As per the said opinion, cause of death in the case was compression of Brain due to head injury exaggerated by combined effect of multiple injuries and ethyl alcohol intoxication with asphyxia.

This was sufficient to cause death in the ordinary course of nature. After completion of investigation, challan was presented in the court of Area Magistrate, Mukerian district Hoshiarpur. Navjot Singh @ Rocky who is alleged to have caused injuries approached this court seeking pre-arrest bail. Vide order dated 21.07.2016, coordinate Bench of this court was pleased to grant pre-arrest bail to Navjot Singh @ Rocky on the plea that prosecution had put forward two stories and there was contradiction therein. The order reads as under:-

“This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.9 dated 13.02.2016 registered under Sections 302, 201 and 34 IPC at Police Station Talwara, District Hoshiarpur. On 08.07.2016, following contention was made:

“Learned senior counsel has argued that the first version of the incident was given by one of the persons who was travelling with the deceased when the vehicle had fallen into the canal and reading of that statement shows that the FIR is completely contrived.”

Learned State counsel on instructions from ASI Harminder Singh has accepted this and also argued that Paramjit Singh, who had given that statement, is also co-accused.

Learned counsel for the petitioner has submitted that two independent witnesses i.e. Vikram Singh and Moti Ram, who had admittedly helped to retrieve the persons from canal have also given similar statements.

Learned State Counsel on instructions from ASI Harminder Singh has also accepted the said fact.

In this view of the matter, there is a seeming contradiction on the record and without commenting on the merits of the case, I cannot but grant the benefit of this contradiction to the petitioner.

Let him appear before the Investigating Officer on 28.07.2016 or on any other date on which his presence is required by the Investigating Officer. On his appearance, the Investigating Officer shall release him on bail to his satisfaction subject to the conditions as

envisaged under Section 438 (2) Cr.P.C.

Petition stands disposed of.”

It is evident that accused Navjot Singh who is stated to have caused injuries with iron strip on the head and other parts of the body of the deceased, was never subjected to custodial interrogation in view of bail order in his favour. The investigating agency, thus, presented a supplementary challan against him on 14.09.2016. Charges were framed thereafter and trial proceeded. During the course of trial, some of the witnesses have turned hostile. An application was moved by mother of the deceased Jagpreet Singh @ Jaggi seeking cancellation of bail. At the time of hearing, however, she sought to withdraw the same. This fact coupled with the fact that some witnesses have resiled, possibility that they are under some pressure cannot be ruled out. Admittedly, mother of the deceased is yet to depose before the court. Vide order dated March 07, 2018, this court had stayed the proceedings before the trial court as several issues arose for its consideration. The laxity of the police is evident from the fact that it started proceedings under section 174 Cr.P.C at the outset despite having noticed injuries on the person of deceased Jagpreet Singh @ Jaggi. Instead of conducting a thorough probe into the matter, it straightaway believed the statement of Paramjit Singh @ Ricky. On 13.02.2016 only after three days when uncle of the deceased stated that he suspected that his nephew had been murdered, instant FIR was lodged. Thereafter in autopsy report of the deceased it was reported as under:-

Sr. No.	Injuries	Marked	Injury Number
1	A DIFFUSED SWELLING 4CM X 3.5CM OVER SCALP, RIGHT TEMPORAL REGION ON DISSECTION OF SKULL FOR INJURY, EXTRACRANIAL HAEMORRHAGE PRESENT ON RIGHT PARITO-TEMPORAL REGION. SUB DURAL HAEMORRHAGE PRESENT ON RIGHT PARITOTEMPORAL REGION, ABOUT 150CC OF FLUID AND CLOTTED BLOOD PRESENT AROUND BASE OF BRAIN. A LINEAR FRACTURE OF INNER TABLE FOUND EXTENDED FROM RIGHT PARITO-TEMPORAL REGION TO BASE OF SKULL AT MIDDLE CRANIAL FOSSA, INFILTRATION OF BLOOD PRESENT.	Yes	2
2	CONTUSED SWELLING OVER SOLE OF LEFT FOOT, REDISH BLUE IN COLOUR, MEASURING 13CM X 9CM ON CUT SECTION, CLOTTED BLOOD WITH INFILTRATION OF BLOOD PRESENT	Yes	1
3	REDISH BLUE DISCOLOURATION OF SOLAR ASPECT OF RIGHT FOOT WITH MILD SWELLING MEASURING 4X 5.5 CM, ON CUT SECTION INFILTRATION OF BLOOD PRESENT	Yes	3
4	DIFFUSE SWELLING OF LEFT HAND ON ITS BACK WITH SCALD(FLUID FILLED) OF SIZE 4X5CM ON PALMER ASPECT AND BASE OF THUMB	Yes	4

In view of medical evidence and recoveries effected on the basis of disclosure statements, police proceeded to present challan against the accused. However, due to lackadaisical approach and initial gaffe,

accused Navjot Singh succeeded in getting pre-arrest bail in view of certain contradiction in the story of the investigating agency. The entire sequence of evidence shows that several forensic aspects which needed thorough examination may have escaped the notice of the investigating agency. Besides the investigating agency was not able to insulate the witnesses from pressure in order to enable them to depose independently. There are number of gaping holes in the entire investigation.

Under the circumstances, this court feels that further investigation is necessary in the instant case preferably by an independent agency. Accordingly, this court deems it fit to invoke its inherent powers and hands over the further investigation of the case to Central Bureau of Investigation who would complete the same and submit its report within three months. It shall, however, file a status report within one month.

In view of facts enumerated above, plea for bail of Paramjit Singh @ Ricky is rejected at this stage with liberty to file afresh. State shall hand-over the relevant record to the Central Bureau of Investigation within a week from today. Investigating agency shall also be at liberty to seek photocopy of the other records available with the trial court by moving an appropriate application.”

For the sake of brevity, the facts are not reproduced again.

The 2nd petition has been filed on the ground that the petitioner is continuing in judicial custody for the last more than 05 years and the trial is not proceeding as the proceedings before the trial Court has been stayed before this Court in co-ordinate proceedings.

Reply on behalf of CBI is on record and as per the reply, after the completion of investigation, the State Police filed chargesheet against the 04 accused namely Navjot Singh @ Rocky, Gurjinder Singh @ Lambad, Amit Kumar @ Bread and Paramjit Singh @ Ricky under

Sections 302, 201, 34 IPC before the Illaqa Magistrate and thereafter, the case was committed to the Court of Sessions. On 30.07.2016, charges were framed against Gurjinder Singh @ Lambad, Paramjit Singh @ Ricky, Amit Kumar @ Bread and Navjot Singh @ Rocky. During the trial, 07 PWs including Pardeep Singh (complainant) were examined and 02 witnesses Dr. Amarjit and Dr. Gurdeep Singh were given up. 04 PWs namely Pardeep Singh (complainant), Suhel kanwal Singh, another Pardip Singh and Kiranjit Singh, resiled from their statements and were declared hostile. It is further stated that when further investigation, in compliance of the order of this Court, was conducted by CBI, it was found that the accused persons have paid Rs.17.00 lacs to the family members of the deceased i.e. wife and mother and executed a compromise, which was recovered by CBI and on the basis of the investigation conducted by CBI, apart from other 04 accused, the other accused persons namely Navjot Singh @ Rocky, Gurjinder Singh @ Lambad and Amit Kumar @ Bread, was filed before the learned Special Judicial Magistrate, CBI and then, the case was committed to the Court of learned Special Judge, CBI, Mohali on 27.11.2019. It is stated that, in fact, the present petition is the 3rd petition as the earlier 02 were dismissed. The 1st petition was dismissed on 10.12.2018 as noticed above and the 2nd one was dismissed as withdrawn on 18.12.2019.

Counsel for the State, during the course of arguments has placed on record the Custody Certificate of the petitioner, which reflects that the petitioner is in custody for the last 05 years and about

10 months and he is not involved in any other case.

Counsel for respondent No.1 – CBI has also brought to the notice of this Court that the proceedings before the trial Court have been stayed vide order dated 07.03.2018 passed in CRM-M No.39462 of 2016, and the said order is continuing till date.

Counsel for respondent No.1 – CBI has further submitted that when the case was taken up before the Judge, Special Court, on the last date despite the fact that the prosecution witnesses were present, the case was adjourned because there is a stay of proceedings.

In reply, counsel for the petitioner has submitted that one of the co-accused namely Navjot Singh @ Rocky, has been granted the concession of anticipatory bail vide order dated 21.07.2016 passed in CRM-M No.21226 of 2016, Gurjinder Singh @ Lambad is granted the concession of regular bail vide order dated 16.08.2016 by the trial Court and similarly, Amit Kumar @ Bread is also granted the concession of regular bail by the trial Court vide order dated 17.08.2016, considering their long custody.

Counsel for the petitioner has further submitted that once the prosecution witnesses have resiled from their statements made before the State Police, there is no possibility of any improvement, after the investigation conducted by the CBI as those witnesses are likely to depose on the same terms. It is also stated that mere fact that some compromise was effected between the wife and mother of the deceased cannot be taken as an adverse inference to decline the prayer for bail as the petitioner's custody is more than 5½ years.

After hearing the counsel for the parties, considering the fact that the petitioner is in long custody for 5½ years and all the co-accused have already been granted the concession of anticipatory/regular bail and the trial is to start de novo after the fresh challan is presented by the CBI, I deem it appropriate to grant the concession of regular bail to the petitioner.

Accordingly the present petition is allowed and the petitioner – Paramjit Singh @ Ricky, is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

(ARVIND SINGH SANGWAN)
JUDGE

03.12.2021
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No