

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-12400-2021 (O&M)
Date of Decision:-29.10.2021

Harcharan Singh @ Happy

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. H.S. Deol, Advocate for
Mr. Gagandeep Singh Simble, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

CRM-35157-2021

In view of the reasons mentioned in the application, the same is allowed and the documents annexed with the application are taken on record as Annexures P-10 and P-11.

CRM-M-12400-2021 (Main Case)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.200 dated 17.08.2020 at Police

Station Mehatpur, District Jalandhar under Sections 302, 201 and 120-B of Indian Penal Code, 1860.

2. The FIR was in question was lodged at the instance of Hardeep Singh, wherein he has stated that his sister Sarabjit Kaur was married to Jarnail Singh (deceased), who was a permanent resident of America. The complainant's sister also resided in America. It is stated that complainant's brother-in-law Jarnail Singh had come to India on 28.07.2020 and was residing at his friend's house in Ludhiana. On 16.08.2020, the complainant received a call from Police Station Mehatpur (District Jalandhar) that dead body of Jarnail Singh is lying in the area of Satluj River bank, near Dhussi Dam Village Raipur Mand. The complainant upon reaching the said place, identified the dead-body of his brother-in-law Jarnail Singh. It is alleged that some unknown persons had murdered Jarnail Singh and had thrown his dead-body in River Satluj.
3. Learned counsel for the petitioner has stated that the petitioner is nowhere named in the FIR and has been nominated as an accused subsequently on the basis of supplementary statement of complainant and also a disclosure statement made by co-accused namely Manminder Singh. Learned counsel has further submitted that the supplementary statement and disclosure statement do not inspire confidence inasmuch as no motive can be attributed to the petitioner for eliminating Jarnail Singh whereas the co-accused Manminder Singh did have a motive as he is stated to be in some kind of relationship with Jarnail Singh's wife i.e. sister of the complainant. Learned counsel has further submitted that even if the disclosure statement of Manminder Singh (Annexure P-11) is taken to be correct, still even as per the

said disclosure statement, the petitioner has not committed any overt act for killing Jarnail Singh and was never present when he was killed.

4. Opposing the petition, learned State counsel has submitted that since the petitioner came to be nominated shortly after lodging of the FIR i.e. on 19.08.2020, the same cannot be doubted particularly when the story had as unraveled during investigation, is virtually in line with the statement of Hardeep Singh recorded under Section 175 Cr.P.C., wherein there is a reference to the fact that Hardeep Singh's sister namely Sarabjit Kaur wife of Jarnail Singh (deceased) had disclosed to him that she was having some kind of affair with Manminder Singh and that Manminder Singh had asked her to call him to America and that Sarabjit Kaur had suggested to Manminder Singh to kill Jarnail Singh. Learned State counsel has further submitted that the disclosure statement of Manminder Singh clearly shows that the petitioner was in league with Manminder Singh for the purpose of eliminating Jarnail Singh and, as such, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind the bars since the last more than 1 year 2 months and that he is not involved in any other case. It has also been informed that although challan has been filed but charges are yet to be framed and that as many as 18 PWs have been cited.
5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that it is a case of blind murder based mainly on circumstantial evidence. The evidence, upon which the prosecution banks heavily, for the purpose of nailing the petitioner is in the shape of disclosure statement of co-accused Manminder Singh. Upon perusal of the said

statement, this Court finds that he has admitted therein that he was having an affair with Sarabjit Kaur wife of Jarnail Singh and it was being decided that Jarnail Singh be eliminated. Manminder Singh in his disclosure statement has stated that Sarabjit Kaur told him telephonically that the petitioner is also telling her to get Jarnail Singh murdered and was siding with her. However, in the said statement while Manminder Singh has stated that it was on 16.08.2020 that he along with his friends Bhupenderpal Singh @ Bhinda, Amrik Singh @ Mika and Varjinder Singh @ Binni went to Jalandhar while taking Jarnail Singh along and had later killed him, the petitioner is not stated to be accompanying them when the murder had allegedly taken place. The admissibility of a disclosure statement, in any case, would be debatable. The petitioner as on date is stated to have been in custody for a period of about 1 year and 2 months and is not even stated to be involved in any other case. Conclusion of trial is likely to consume time as the trial has not even commenced inasmuch as even the charges have not been framed so far. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

29.10.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No