

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

106/2

**CRM-M-15815-2021 (O&M).
Date of Decision: 01.09.2021.**

Harpinder Singh @ Bhindu	Petitioner.
Versus	
State of Punjab	Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Mandeep Kumar Dhot, Advocate for petitioner.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

This petition under Section 439 Cr.P.C for grant of regular bail has been moved by petitioner-**Harpinder Singh @ Bhindu** in case FIR No.113 dated 02.10.2018 under Sections 201 and 302 IPC read with Section 34 IPC (Sections 397 and 411 IPC and Section 25 of Arms Act added lateron), registered at Police Station Khanauri, District Sangrur.

Learned counsel for the petitioner *inter alia* contends that prosecution version, as alleged, is totally concocted one and there is no iota of truth therein. He further urges that petitioner was not named in the FIR as the same was registered against unknown persons. He further urges that the present case is based on circumstantial evidence but Police have failed to collect any incriminating evidence against the petitioner justifying his involvement in the commission of alleged crime. He further urges that though allegedly fire-arm injury on the person of Paramjit Singh (since deceased) is attributed to the petitioner, but till date no weapon of offence

has been recovered in this case. He further urges that co-accused Sarabjit

Singh @ Sahib Singh has already been extended concession of regular bail by this Court, vide order dated 12.01.2021 passed in CRM-M-5892-2020. He further urges that petitioner is languishing in custody since 04.11.2018 and he is no more required by the Police for any investigation purpose as after completion of investigation, final report under Section 173 Cr.P.C. (*Challan*) has already been presented in the Court and trial has commenced. He further urges that out of total thirty five (35) prosecution witnesses, only three (03) prosecution witnesses have been examined till date. He further submits that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that present FIR was registered on the statement of complainant-Krishan Singh that on 02.10.2018 at about 8:45 AM, when he (complainant) was present near bridge of Ghaghar canal, he noticed a dead body wrapped in a cloth and it seemed that someone after killing had thrown the dead body with intention to destroy the same. He further urges that on 05.10.2018, Nachhatar Singh, owner of Truck/Tralla bearing registration No.PB-05Q-9829, identified the dead body as that of Paramjit Singh son of Bohar Singh, who was working as driver on the said Truck/Tralla. He further urges that Balwant Singh @ Banta, who was working as conductor on the above said Truck/Tralla, disclosed that Paramjit Singh (since deceased) loaded raw iron from Jharkhand and unloaded the material on 29.09.2018 at Mandi Gobindgarh and on that day four persons namely Harpinder Singh @ Bhindu (present petitioner), Sarabjit Singh @ Sahib Singh, Mandeep Singh @ Jatinder Singh and Baljit

loaded from Kupkalan, District Sangrur, for which they will charge commission and Paramjit Singh (since deceased) agreed to load the Truck/Tralla on their asking. He further urges that Balwant Singh @ Banta further disclosed that thereafter he went to his village and he was to be picked-up by Paramjit Singh (since deceased) while returning from Amritsar after unloading the material sought to be loaded by aforementioned persons, however, lateron he came to know that Paramjit Singh has been murdered and his dead body was thrown near Khanauri by unknown persons after snatching his Truck/Tralla. He further urges that Balwant Singh @ Banta further disclosed that he believed that Harpinder Singh @ Bhindu (present petitioner), Sarabjit Singh @ Sahib Singh, Mandeep Singh @ Jatinder Singh and Baljit Singh @ Ballu have committed murder of said Paramjit Singh after snatching his Truck/Tralla. He further submits that after arrest of present petitioner and co-accused Sarabjit Singh @ Sahib Singh on 04.11.2018, motorcycle bearing registration No.PB-46E-2167 used in the commission of crime was recovered. He further urges that petitioner in his disclosure statement stated that on 01.10.2018 at about 8:00 PM, when Paramjit Since (since deceased) came on Truck/Tralla bearing registration No.PB-05Q-9829, he while taking Pistol from co-accused Baljit Singh @ Ballu fired a shot on the person of Paramjit Singh, which proved fatal and further disclosed that after wrapping the dead body of Paramjit Singh in a cloth, it was thrown in Ghaghar canal at Khannauri and thereafter above said Truck/Tralla was sold to Hanuman Singh son of Gopal Ram, resident of Rewari, which vehicle was got recovered on 08.11.2018 from above said Hanuman Singh. He further submits that co-accused Mandeep Singh @ Jatinder Singh was arrested on 24.11.2018, whereas co-accused Baljit Singh

@ Ballu is still at large and he was declared 'Proclaimed Offender' on 19.10.2019. He further urges that petitioner actively participated in the commission of offence as he fired gun shot on the person of Paramjit Singh, which proved fatal. He further urges that in view of seriousness of offence and specific role attributed to petitioner in the commission of offence, he does not deserve the concession of bail.

I have heard learned counsel for the parties and have carefully gone through the record of the case.

Without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that allegedly petitioner alongwith co-accused in furtherance of their common intention to commit theft of Truck/Tralla bearing registration No.PB-05Q-9829, committed murder of Paramjit Singh, driver of said Truck/Tralla and in order to destroy the evidence wrapped the dead body of Paramjit Singh in a cloth and threw it in the canal. Allegedly, fatal blow by means of fire-arm on the person of Paramjit Singh (since deceased) is attributed to the petitioner. Further, material prosecution witnesses are yet to be examined. In view of seriousness of offence and alleged attributed role of petitioner in the commission of alleged offence, he does not deserve the concession of bail.

As a sequel to above, instant petition for grant of regular bail moved by the petitioner is dismissed.

(LALIT BATRA)
JUDGE

01.09.2021
jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No