

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

CRM-M-17043-2021

DECIDED ON: 30th APRIL, 2021

MANDEEP SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Rajbir Singh Attri, Advocate
for the petitioner.

Ms. Monika Jalota, D.A.G., Punjab.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a second petition for seeking regular bail in case FIR No.0277 dated 05.12.2019 registered under Section 302 of IPC, 1860, 25 of the Arms Act, 1959 (Section 120-B IPC added later on) at Police Station Kharar, District SAS Nagar.

The brief facts are that on complaint of Raj Kumar, the FIR was registered. It was stated that on 05.12.2019 at 8.10 A.M., his son Dilpreet Singh received a phone call that the daughter of the complainant, namely, Sarabjeet Kaur was shot dead by un-known persons. She was taken to the Civil Hospital where the doctors declared her dead.

Supplementary statement of the complainant was recorded, he disclosed that his daughter was in a live-in-relationship with Harwinder Singh Sandhu son of Naib Singh.

While being in a relationship, a daughter was born. Sarabjeet Kaur, the daughter of the complainant, was insisting Harwinder Singh Sandhu for marriage. Later, she came to know that Harwinder Singh Sandhu had already performed marriage with Karamjeet Kaur and they had two daughters from that marriage. On disclosure of her relationship, the mother of Harwinder Singh Sandhu refused to accept Sarabjeet Kaur and threatened her not to come in their way. The matter was told to the relations of Harwinder Singh Sandhu, resultantly, she was turned out of the house. The complainant suspected that his daughter was murdered by Harwinder Singh Sandhu and his mother, they were nominated as accused. During investigation, one Jaswinder Singh was arrested. He made a statement that Darshan Singh and Mandeep Singh on 15.11.2019 went to the school of Sarabjit Kaur at Sunny Enclave Kharar. On that day, Sarabjit Kaur was accompanying her daughter so they dropped the plan to kill her.

On 05.12.2019, Jaswinder Singh along with Shivraj Singh went to the School at about 7.30 A.M. When Sarabjit Kaur was coming on an Activa Scooter, four shots were fired at her. Thereafter, both of them fled away from the spot. As per the case set up, all the co-accused hatched a criminal conspiracy to murder Sarabjit Kaur. To execute the plan, Darshan Singh and petitioner accompanied Jaswinder Singh to the School of Sarabjit Kaur and ultimately, she was murdered on 05.12.2019.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR. As per the allegations, he was not accompanying the main accused on the date when Sarabjit Kaur was shot dead. The petitioner is in custody since 23.12.2019.

Learned counsel for the respondent-State vehemently opposes the bail petition. She submits that the petitioner is brother-in-law of main accused Harwinder Singh. The main accused has already left the country and could not be arrested. The contention is that the complainant is yet to be examined. There is a every possibility of the petitioner absconding on grant of bail. On setting free, the petitioner would be in a position to influence the witnesses.

The offence as per the FIR is serious in nature. It is a case of Section 302 read with Section 120-B IPC. The role assigned to the petitioner is of criminal conspiracy and also accompanying the main accused to the work place of the deceased. As per the facts, there is inter connectivity between the co-accused. Even the deceased was stated to be in a live-in-relationship with Harwinder Singh Sandhu. The main accused has left the country. There is a fair possibility that on grant of bail, the petitioner may abscond and he would be in a position to influence the witnesses or hamper the trial.

No case is made out for grant of bail.

Dismissed.

30th APRIL, 2021

gurpreet

**(AVNEESH JHINGAN)
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*