

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

(I) CRM-M-16211-2020 (O&M)

Jagdeep Singh @ Jagmeet Singh ...Petitioner

Versus

State of Punjab ...Respondent

(II) CRM-M-36010-2020 (O&M)

Jaspreet Kaur @ Jassi ...Petitioner

Versus

State of Punjab ...Respondent

Date of Decision: 06.04.2021

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Deepak Aggarwal, Advocate,
for the petitioner/s.

Mr. Sandeep Kumar, DAG, Punjab,
assisted by ASI Jasvir Singh.

GURVINDER SINGH GILL, J. (Oral)

CRM-8982-2021

In view of the reasons mentioned in the application, the same is
allowed as prayed for and the statement of PW-5 Beant Singh is
taken on record as Annexure P-6.

CRM-M-16211-2020 (O&M) and
CRM-M-36010-2020 (O&M)

1. This order shall dispose off the aforesaid two petitions i.e. CRM-M-16211-2020 filed on behalf of Jagdeep Singh and CRM-M-36010-2020 filed on behalf of Jaspreet Kaur seeking grant of

regular bail in respect of a case registered against them vide FIR No.132 dated 20.09.2018 at Police Station Dayalpura, District Bathinda, under Section 302/201/120-B/34 IPC.

2. The FIR was registered at the instance of Hardam Singh wherein it is alleged that he has two children i.e. a daughter and a son. His son namely Harjinder Singh aged about 27 years was into photography and came in contact with Jassi Kaur wife of Neetu Singh and they developed friendly relations. It is alleged that when complainant's son Harjinder Singh was engaged to Kushpreet Kaur, the aforesaid Jassi Kaur upon coming to know about the same started pressurizing his son not to marry Kushpreet Kaur and to solemnize marriage with her (Jassi). Harjinder Singh disclosed about the same to the complainant and to other members of the family. It is alleged that on 14.09.2018 Harjinder Singh after taking Activa scooter of their neighbourer went to Malooka on the asking of Jassi Kaur. However, Harjinder Singh did not returned back home. On 19.09.2018, the complainant came to know from a news item in Tribune that some dead body has been recovered from Bhagta Bhai Ka and upon which the complainant went to Police Station and to Civil Hospital, Rampura and identified the dead body to be that of his son. Upon enquiries made by the complainant, he came to know that Jassi along with her brother Jagdeep Singh and in connivance with other persons had murdered Harjinder Singh and had thrown his dead body in the drain.

3. The learned counsel for the petitioners has submitted that it is a case of blind murder which is based totally on circumstantial evidence. It is submitted that the police during the course of investigation recorded statement of one Mandeep Singh (Annexure P-2) who stated that he had seen the petitioners in the company of the deceased on 14.09.2018. The other piece of evidence is in the shape of extra judicial confession of the accused, allegedly made before Beant Singh (Annexure P-3). The learned counsel has submitted that when the aforesaid Beant Singh was examined during the proceedings of trial, he did not support the case of the prosecution at all and had been declared hostile as would be evident from a copy of the statement Annexure P-6.
4. Opposing the petition, the learned State counsel has submitted that since the petitioners were last seen in the company of the deceased as would be evident from the statement of Mandeep Singh and since Jassi was aggrieved on account of the fact that the deceased was engaged to another lady, she apparently had a motive to eliminate the deceased and that in these circumstances, the petitioners do not deserve the concession of bail. Learned State counsel has, however, informed that the petitioners have been behind bars since the last about 2 ½ years and that they are not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that it is a case of blind murder and is based on circumstantial evidence. One of the material piece of evidence i.e. the extra judicial confession is virtually unavailable to the

prosecution inasmuch as the witness concerned i.e. Beant Singh has resiled from his statement when he was examined during the proceedings of trial. The petitioners have been behind bars for a substantial period of 2 ½ years. They are not even stated to be involved in any other case. In these circumstances, further detention of the petitioners will not serve any useful purpose as the conclusion of trial is likely to consume some time. Both the petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

06.04.2021

VY/Vimal

(GURVINDER SINGH GILL)
JUDGEWhether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**