

CRM-M-24911 of 2021

Date of Decision: September 24th, 2021

Jagdeep Singh @ Babbu Bajwa

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr. K.S.Mehta, Advocate
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

SANT PARKASH, J.

[The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court]

Prayer in the instant petition is for grant of regular bail to the petitioner in case FIR No.21 dated 22.03.2020, registered under Sections 302, 397 and 201 IPC at PS Sadar Nawanshahar, District SBS Nagar.

The allegation against the petitioner is that he along with his co-accused persons, committed murder of one Jasvir Singh.

Learned counsel for the petitioner submits that on 21.03.2020, one Jasvir Singh was found lying dead alongside the road with injuries on his person and an FIR bearing No.21 dated 22.03.2020 was lodged on the version of Darbara Singh under Sections 304-A and 279 IPC, who was the first person to reach at the spot and who was known to the deceased. It was after two months that the petitioner was arrested in another FIR bearing No.47 dated 11.05.2020, under Sections 304-A and 279 IPC at PS Rahon, District SBS Nagar and while being in custody in the said FIR, he is said to have suffered confessional statement before a Police Officer of his

involvement in the instant case i.e. FIR No.21 dated 22.03.2020. During investigation of the case under FIR No.47 dated 11.05.2020, the petitioner allegedly suffered disclosure statement and got recovered the dagger allegedly used in assaulting Jasvir Singh (deceased) but neither the said dagger was produced while conducting post mortem on the dead body of Jasvir Singh to obtain the opinion of the doctors with regard to likely use of the same for causing injuries on the person of Jasvir Singh nor the same was sent to the Serologist to seek his opinion with regard to comparison of blood stains upon it with the blood of the deceased. He further submits that it is also the case of the prosecution that the petitioner suffered disclosure statement in the instant case and got recovered a sword, which was handed over by him to the co-accused Harsh during the occurrence and after the incident, the same had been returned to the petitioner. Learned counsel contends that the investigating agency has found a whipping boy in the form of petitioner to foist unsolved cases upon him as initially, on the statement of father of the deceased, the case FIR No.47 under Sections 304-A and 279 IPC was registered on 11.05.2020 but subsequently, offence under Section 302 IPC was added and the petitioner was arrested. He further submits that the petitioner is in custody since 27.05.2020 and the challan in the present case stands filed. There is no witness to depose against the petitioner but for his confessional statement, which is hit by Section 25 of Indian Evidence Act.

Per contra, learned State counsel while placing reliance on the reply dated 24.08.2021 filed by way of an affidavit of DSP Nawanshahar

Sub Division District SBS Nagar, submitted that on the basis of confessional statements of the petitioner and his co-accused Harsh, offences under Sections 302, 397 and 201 of IPC were substituted in the FIR No.21 dated 22.03.2020 and Sections 279 and 304-A were deleted. After having been arrested in FIR No.47 dated 11.05.2020, the petitioner and his co-accused Harsh suffered confessional statements admitting various incidents of snatching and robbery including the incident of present FIR No.21 dated 22.03.2020. They have constituted a gang with their co-accused persons for committing the acts of snatching and robbery. If the petitioner is granted concession of regular bail, he may influence the witnesses and destroy the evidence. The challan against the petitioner and his co-accused has been presented on 19.08.2020 and the charges have been framed on 02.08.2021.

After having heard learned counsel for the parties and bestowal of thought, this Court is of the considered opinion that the present petitioner is not at all entitled to the concession of regular bail. Admittedly, initially the FIR was registered under Sections 279 and 304-A IPC and it was during the course of the investigation of case bearing FIR No.47 dated 11.05.2020 under Sections 304-A and 279 IPC, the petitioner himself suffered his disclosure statement and admitted having committed the dacoity and murder of the deceased Jasvir Singh. From the record, it has become evident that the present petitioner, in pursuance to his disclosure statement, got recovered a dagger, allegedly used in committing the murder of Jasvir Singh. He along with co-accused also admitted having committed various

other incidents of snatching and robbery while constituting a gang. From the impugned order dated 17.05.2021 (Annexure P-4), it is evident that the injuries on the person of the deceased were incised wounds and can not be said to have been caused in an accident.

There is no denial of the fact that the petitioner is in custody since 27.05.2020, challan has already been filed and the charges have been framed and the petitioner is not required for any further investigation purposes. Despite this, the nature of the offence, the antecedents of the present petitioner and his involvement on the basis of his own disclosure statement recorded in case FIR No.47 dated 11.05.2020, are the compelling circumstances for denying the concession of bail.

The contentions raised on behalf of the petitioner, referred to above, including the legal sanctity and admissibility of the disclosure statement, on the basis of which the recovery has been effected, are the submissions which can be considered at the time of the conclusion of the trial. There is every apprehension in the mind of this Court that if the present petitioner is enlarged on bail, he would certainly indulge in such type of anti social activities and can hamper trial.

In view of the aforesaid, no ground is made out for granting the concession of regular bail to the petitioner.

Accordingly, the instant petition is dismissed.

**(SANT PARKASH)
JUDGE**

September 24th, 2021
Maninder

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