

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

(I)

CRM-M-32380-2020 (O&M)

Date of Decision:- 6.9.2021

Simranjit Singh @ Bhogal

... Petitioner

Versus

State of Haryana

... Respondent

(II)

CRM-M-33749-2021 (O&M)

Danish

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. K.D.S.Hooda, Advocate,
for the petitioner in CRM-M-32380-2020.

Mr. Pratham Sethi, Advocate,
for the petitioner in CRM-M-33749-2021.

Ms. Aditi Girdhar, AAG, Haryana,
assisted by ASI Sanjay.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned two petitions wherein petitioners Simranjit Singh @ Bhopal and Danish, seek grant of regular bail in a case registered vide FIR No.442 dated 18.11.2019 under Sections 302/201 IPC (lateron Sections 120-B/34 IPC added) at Police Station Rai, District Sonipat.
2. The FIR in question was lodged at the instance of Jagtar Singh wherein it is alleged that on 13.11.2019, his younger son Gagandeep Singh left home in order to proceed to Jalandhar in connection with applying for a VISA. It is alleged that although complainant's daughter-in-law had spoken to Gagandeep Singh at about 4:15 p.m. through video call but his phone was switched off after 4:50 p.m. It is alleged that on the next date i.e. on 14.11.2019, he received information from police post Rajiv Gandhi Education City Rai, Sonapat, that dead-body of his son had been found in the area of village Barkhalsa. Upon receipt of said information, the complainant went to the said place and identified the dead-body of his son. Upon returning back to his residence, he discussed the matter with his family and he strongly suspected that some unknown persons had murdered his son.
3. The learned counsel for the petitioners have submitted that they are nowhere named in the FIR and infact even in the statement of the complainant recorded in terms of Section 175 Cr.P.C. (Annexure P-4), they did not suspect anybody and rather specifically stated that they did not intend to take any legal action. It has further been

submitted that even when the statement of complainant's elder son Gurpreet Singh was recorded on 14.11.2019, even he did not suspect any foul play and stated that they did not intend to take any legal action.

4. The learned counsel for the petitioners have submitted that subsequently on 22.11.2019, the complainant got a supplementary statement (Annexure P-5) recorded wherein he alleged that one Simranjit Singh was having illicit relations with complainant's daughter-in-law Deepika Sikka wife of Gagandeep (deceased) and that Simranjit Singh in connivance with Deepika Sikka had eliminated Gagandeep. It has been submitted that prosecution also relies upon a disclosure statement made by co-accused Danish (Annexure P-6) wherein he is stated to have admitted the commission of offence along with other co-accused.
5. Learned counsel for the petitioners have submitted that it is a case based totally on circumstantial evidence wherein the petitioners have been nominated as accused subsequently. Learned counsel have submitted that although as per the disclosure statement, the accused are alleged to have administered poison mixed with beer to the deceased and are later alleged to have killed him by pressing his mouth but the medical evidence does not support the said assertion inasmuch as no trace of any poison has been reported in the Viscera report (Annexure P-8) and that there is nothing in the post mortem report to suggest that it is a case of strangulation in any manner by pressing his mouth.

6. On the other hand, learned State counsel has vehemently opposed the petitions on the ground that the case of prosecution, as per supplementary statement and disclosure statement of the accused, is substantiated from the fact that “call details record” clearly shows that a large number of calls were exchanged between the petitioner Simranjit Singh and Deepika (wife of deceased) indicating that they were having an extra marital affair and on account of which they had eliminated the deceased.
7. I have considered rival submissions addressed before this Court.
8. It is not in dispute that it is a case of blind murder based totally on circumstantial evidence. The story set forth in the disclosure statement regarding administering poison and strangulating the deceased cannot be said to be substantiated as no trace of poison was found in the Viscera report and nor there is any definite opinion regarding strangulation. It may be correct that calls must have been exchanged between the petitioner and co-accused Deepika but having regard to the totality of the facts and circumstances and while also noticing that the petitioners till date have been behind bars since the last about 1 year and 9 months and conclusion of trial is likely to consume time as not even a single PW out of the cited 28 PWs has been examined till date, further detention of the petitioners will not serve any useful purpose. The petitions, as such, are accepted and the petitioners are ordered to be released on bail subject to their furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.
10. A photocopy of this order be placed on the file of each connected case.

6.9.2021
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No