

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

CRM-M-33062-2020 (O&M)  
Date of Decision:-7.9.2021

Rachpinder Singh @ Rashpinder Singh ... Petitioner

Versus

State of Punjab ... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Kulwant Singh, Advocate for the petitioner.

Mr. Harpreet S. Multani, AAG, Punjab.

Mr. Rajat Dogra, Advocate for the complainant.

\*\*\*\*\*

**GURVINDER SINGH GILL, J.(Oral)**

**CRM-28023-2021**

In view of the reasons mentioned in the application, the same is allowed and the document annexed with the application is taken on record as Annexure P-8.

**CRM-M-33062-2020 (Main Case)**

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.195 dated 23.9.2017 at Police

Station Hathur, District Ludhiana under Sections 302 and 120-B of Indian Penal Code.

2. The FIR was lodged at the instance of Sarpanch Gurnek Singh, wherein it is alleged that on 23.9.2017 at about 8:00 a.m. he received information that a dead body was lying near the land of Teja Singh on a '*kachha*' passage. The complainant being Sarpanch went to the said place alongwith others and saw a dead body of an unknown person having injuries on the right side of his head, neck, right ear, left hand and on fingers and thumb of left hand. It is further the case of prosecution that on 25.9.2017, Pardeep Singh, Rajwinder Kaur and Rachpinder Singh @ Rashpinder Singh (petitioner) made an extra judicial confession before Pritam Singh, wherein Pardeep Singh is stated to have disclosed that he was having illicit relations with Rajwinder Kaur, who was fiance of Satnam Singh and that in order to eliminate Satnam Singh, he took Satnam Singh to Jagraon Bikener Sweet Shop on 21.9.2017 and administered intoxicant tablets in juice and thereafter he (Pardeep Singh) and Rachpinder Singh @ Rashpinder Singh took Satnam Singh to Ludhiana, where his condition deteriorated and later at Jagraon, he (Pardeep Singh) and Rachpinder Singh @ Rashpinder Singh (petitioner) murdered Satnam Singh at Akhara Canal Bridge and then Pardeep Singh called Rajwinder Kaur telling her that the obstacle i.e. Satnam Singh had been eliminated.
3. Learned counsel for the petitioner has submitted that the petitioner is nowhere named in the FIR and is sought to be nominated as an accused on the basis of an alleged extra judicial confession stated to have been made by Pardeep Singh, Rachpinder Singh @ Rashpinder Singh and Rajwinder Kaur before one Sukhvir Singh, which is a weak type of evidence. It has further been submitted that, in any case, the petitioner was aged just about 16 years

at the time of occurrence. It has further been submitted that the motive, as per the extra judicial confession, can be attributed to Pardeep Singh only, who being in a relationship with Rajwinder Kaur wanted to eliminate her fiancé Satnam Singh. It has also been submitted that since the petitioner, in any case, has been behind bars for the last about 4 years and that till date only 7 PWs out of the cited 21 PWs have been examined, the petitioner deserves the concession of bail particularly when a co-accused Rajwinder Kaur has also been granted bail.

4. Opposing the petition, learned State counsel has submitted that the petitioner cannot claim any parity on account of accused Rajwinder Kaur having been granted bail as even as per the extra judicial confession, she had not participated in murdering the deceased Satnam Singh and it is only the petitioner as well as co-accused Pardeep Singh, who have participated in the said act. Learned State counsel has, however, not disputed the fact that the petitioner was a juvenile at the time of occurrence and that as on date, he has been behind bars since the last about 4 years. It has also been informed that as on date only 7 out of cited 21 PWs have been examined.
5. I have considered rival submissions addressed before this Court.
6. Admittedly there is no eye-witness to the occurrence in question and the prosecution mainly relies upon extra judicial confession, which is considered as a weak type of evidence unless there is some corroboration to the same by way of some convincing evidence. The petitioner admittedly was a juvenile and has been behind bars for a substantial period of about 4 years. The conclusion of trial is likely to consume more time as till date only 7 out of cited 21 PWs have been examined. The petitioner is not stated to be involved

in any other case. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

**7.9.2021**

pankaj

**( Gurvinder Singh Gill )  
Judge**

Whether speaking /reasoned                      Yes / No

Whether Reportable                                      Yes / No