

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

1. CRM-M-6538-2021 (O&M)

Gurdeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-756-2022 (O&M)

Jaspreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

Date of decision: 28.04.2022

CORAM:- HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Yashpal Thakur, Advocate
for the petitioner in CRM-M-6538-2021.

Mr. P. S. Paul, Advocate
for the petitioner in CRM-M-756-2022.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. S. P. S. Khaira, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

This common order shall dispose of above noted two petitions
as they arise out of the same FIR.

Prayer in these petitions, filed under Section 439 of the Code of
Criminal Procedure, is for grant of regular bail to petitioners Gurdeep Singh

and Jaspreet Singh in case FIR No. 82 dated 27.09.2019, registered under Sections 302, 201, 34 and 120-B of the IPC at Police Station Bassi Pathana, District Fatehgarh Sahib.

Learned counsel for the petitioners submit that as per allegations in the FIR, registered at the instance of Balwant Singh, it is stated that on 19.09.2019, the dead body of his grandson Amandeep Singh was found along with his motorcycle bearing registration number PB-13-H-7947 on the roadside and a complaint was made for taking action. It was further stated that due to injuries sustained by his grandson and missing of some documents and Parana (headgear), the complainant was suspicious of the cause of death of his grandson.

Learned counsel further submits that later on, after 08 days, a supplementary statement of the complainant was recorded, in which he stated that his grandson was in fact murdered.

It is further submitted that during investigation, the police recorded the statement of two persons namely Birdevinder Singh and Ranjit Singh, before whom an extra judicial confession was allegedly made by the petitioners regarding committing of offence.

Learned counsel has referred to the statement of PW-2/complainant Balwant Singh, who in his cross-examination has stated that the police has taken the documents from the spot and motorcycle, driving license, purse, mobile phone etc. Learned counsel submits that this statement of the complainant is contrary to the disclosure statement of the petitioners, recorded by the police, wherein the purse was recovered from the petitioners.

Learned counsel has then referred to the statement of PW-5

Birdevinder Singh, the witness before whom the petitioners have allegedly made an extra judicial confession that they have murdered the grandson of the complainant and they requested PW-5 to get the matter compromised. In cross-examination, this witness has stated that after the said extra judicial confession was made before him, he had gone to Mansa with regard to his landed property and further stated that he did not share the extra judicial confession with any person at that place and did not try to disclose the aforesaid fact to the family members of the deceased as stated in his examination-in-chief.

Learned counsel for the petitioners further submit that there are material discrepancies in the prosecution version and since the complainant and other material prosecution witnesses have already been examined, the petitioners may be granted the concession of regular bail as they are in judicial custody for the last 02 years, 06 months and 29 days and are not involved in any other case. It is further submitted that the only evidence against the petitioners is the said extra judicial confession, which is a very weak evidence and the same is not proved as per the statement of PW-5 Birdevinder Singh.

Reply, filed by way of the affidavit of the Investigating Officer, is on record, wherein after verifying the contents of the FIR and investigation conducted by the police, it is stated that when the petitioners made extra judicial confession before Birdevinder Singh and Ranjit Singh, they were arrested and as per disclosure of the petitioners, purse and ID card were recovered from them.

A perusal of the affidavit would show that except for the said extra judicial confession, nothing is stated about any other evidence

connecting the petitioners with the offence.

Learned counsel for the complainant has raised similar arguments as raised by learned State counsel.

In reply, learned counsel for the petitioners submit that in fact at the first instance, a case of roadside accident was registered, however, after 08 days, by making improvements and by making a supplementary statement, which is self contradictory to the statement of the complainant recorded during his cross-examination, the petitioners have falsely been implicated in this case.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that the petitioners are in judicial custody for the last 02 years, 06 months and 29 days; there are not involved in any other case; all the material witnesses including complainant have already been examined, the instant petitions are allowed. Petitioners Gureep Singh and Jaspreet Singh are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate concerned.

A photocopy of this order be placed on the file of other connected case.

28.04.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No