

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

(I) **CRM-M-2926-2022 (O&M)**

Iqbal KaurPetitioner

Versus

State of PunjabRespondent

(II) **CRM-M-8849-2022 (O&M)**

Sukhvir Singh @ SukhiPetitioner

Versus

State of PunjabRespondent

(III) **CRM-M-8866-2022 (O&M)**

Gurmukh Singh ...Petitioner

Versus

State of Punjab ...Respondent

(IV) **CRM-M-12400-2022 (O&M)**

Yadwinder Singh ...Petitioner

Versus

State of Punjab ...Respondent

Date of Decision: 16.05.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. R.S.Rai, Senior Advocate, with
Mr. Anurag Arora and Farhad Kohli, Advocates,
for the petitioner in CRM-M-2926-2022.

Mr. Karan Bhardwaj, Advocate,
for the petitioner in CRM-M-8849-2022.

Mr. Amaninder Singh Sekhon, Advocate,
for the petitioner in CRM-M-8866-2022.

Mr. A.P.S.Deol, Senior Advocate, with
Mr. Himmat Singh Deol, Advocate,
for the petitioner in CRM-M-12400-2022.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by SI Ranjeet Singh.

Mr. Sant Pal Singh Sidhu, Advocate and
Mr. Gurpal Singh Sandhu, Advocate,
for the complainant.

GURVINDER SINGH GILL, J.

1. This order shall dispose of aforementioned four petitions filed on behalf of Iqbal Kaur, Sukhvir Singh @ Sukhi, Gurmukh Singh and Yadwinder Singh, seeking grant of regular bail in respect of a case registered against them vide FIR No.0124 dated 17.08.2021 at Police Station Sadar Kotkapura, District Faridkot, under Sections 302, 307, 341, 427, 506, 148, 149, 120-B IPC and Sections 25, 27, 54, 59 of the Arms Act (Sections 323 & 324 IPC added later on).
2. The matter pertains to murder of Navjot Singh . The FIR in question was lodged at the instance of Surinder Kaur, mother of deceased, wherein she has stated that that her '*Nanad*' (husband's sister) namely Gurjinder Kaur was married to Balwinder Singh. However, said Gurjinder Kaur expired in the year 1996 and after her death, Balwinder Singh started residing with Iqbal Kaur as her husband. Later, a dispute arose amongst them (Iqbal Kaur and Balwinder Singh) over money and property as a result of which Balwinder Singh and Iqbal Kaur started residing separately and some litigation was also pending amongst them. It is alleged that Iqbal Kaur with the help of her '*Jija*' (sister's husband) namely Anantdeep Singh took possession of Balwinder Singh's house regarding which

Balwinder Singh got a case registered at Police Station NRI, Moga. It is alleged that on 17.08.2021, in order to pursue the said case of Balwinder Singh, she (complainant) alongwith Balwinder Singh, her son Navjot Singh @ Navi and one of their relatives Mandeep Singh @ Babbu proceeded from Sri Muktsar Sahib to Moga, in their car bearing registration No.DL-10-CF-0120. While they were on their way, a black coloured 'Scorpio' vehicle, two 'Thar' vehicles, one 'Innova' vehicle and one more vehicle tried to surround their car. Complainant's son, who was driving the car, took the car towards a narrow link road and on account of the narrow road the vehicles following them could not overtake them, but the Scorpio vehicle following their car kept on banging into rear of their car and also started firing upon them with an intention to kill them. However, when they (complainant party) approached the main road, the said vehicles were able to surround their car. It is alleged that Anantdeep Singh @ Roma, who was armed with a rod alongwith 15/20 unidentified persons alighted from the said vehicles carrying hockey sticks, baseball bats, rods, swords etc. Anantdeep Singh pulled out complainant's son Navjot Singh @ Navi from the car and exhorted his companions to teach him a lesson for not giving land to his sister-in-law Iqbal Kaur. Anantdeep Singh gave several blows with the help of rod on legs and arms of the complainant's son. The other persons also inflicted injuries to the complainant's son with their respective weapons and also fired shots. It is alleged that when complainant's brother-in-law Balwinder Singh and Mandeep Singh tried to rescue Navjot Singh, the accused inflicted injuries to Balwinder Singh and Mandeep Singh as well. Navjot Singh on account of injuries sustained

by him fell unconscious. The accused thereafter went away from the spot in their respective vehicles. Navjot Singh was taken to Civil Hospital, Kotkapura from where he was referred to Guru Gobind Singh Medical College, Faridkot, but he succumbed to his injuries. The complainant has alleged that the accused nursed a grudge against the complainant, her son Navjot Singh (deceased) and Mandeep Singh, as they had been pursuing and supporting Balwinder Singh, in the cases pertaining to property, which were pending between Balwinder Singh and Iqbal Kaur. It is alleged that Iqbal Kaur and Sukhi Rajeara had conspired and had connived with Anantdeep Singh and with the help of others, they had murdered her son.

3. On behalf of the petitioners, it has been submitted that apart from Iqbal Kaur and Sukhvinder Singh @ Sukhi, none of the petitioners is named in the FIR and that even the said two i.e. Iqbal Kaur and Sukhvinder Singh @ Sukhi are not stated to be present at the spot, when the complainant party was attacked and that the only role attributed to the said accused is that they had conspired and connived with Anantdeep Singh for the purpose of murdering the complainant's son.
4. Learned counsel representing petitioners Sukhvinder Singh @ Sukhi, Yadwinder Singh and Gurmukh Singh have further submitted that they have in fact been found innocent during the course of further investigation. It has, thus, been submitted that the petitioners, who have either been found innocent or were not present at the spot deserve the concession of bail.

5. Opposing the petitions, learned State counsel assisted by learned counsel for the complainant has submitted that it is a case where the accused had attacked and murdered Navjot Singh, son of the complainant, at the behest of Iqbal Kaur, who had connived with Sukhvir Singh and other accused for commission of offences. It has been submitted that Iqbal Kaur had a motive, as she was having litigation with Balwinder Singh (complainant's brother-in-law) in respect of land of Balwinder Singh which she was possessing. The complainant, her son Navjot Singh (deceased) and Mandeep Singh had been pursuing the said cases and had been helping Balwinder Singh due to which the accused nursed a grudge against the complainant party. Learned State counsel has further submitted that although at some stage the police had found petitioners Sukhvir Singh, Yadwinder Singh and Gurmukh Singh as well as Didar Singh (non-petitioner) innocent in the enquiry report dated 27.11.2021 (Annexure P-5 in CRM-M-12400-2022), but when an application was moved for discharge of Sukhvir Singh, Yadwinder Singh and Gurmukh Singh, the same was declined by the learned Judicial Magistrate Ist Class, Faridkot vide order dated 03.12.2021. It has further been submitted that though the said accused challenged the said order by way of filing a revision petition before the Court of Sessions at Faridkot, but the said revision petition was also dismissed vide order dated 02.02.2022 passed by the learned Additional Sessions Judge, Faridkot and that as such, the enquiry report pertaining to innocence of the said accused virtually stands set aside. Learned State counsel has, thus, prayed for dismissal of all the petitions.

6. Learned counsel representing the complainant has submitted that the complicity of petitioner Iqbal Kaur and all other accused cannot be doubted inasmuch as even much prior to the occurrence, eye-witness Balwinder Singh had been apprehending threat to his life constraining him to move criminal writ petition i.e. CRWP-707-2021 seeking protection of his life and liberty, which however came to be withdrawn on 01.11.2021 on account of certain subsequent developments in the shape of the present incident, which had taken place on 17.08.2021.
7. I have considered rival submissions addressed before this Court.
8. The allegations are to the effect that as many as 15/20 persons had attacked the complainant's side and had inflicted multiple injuries to the complainant's son Navjot Singh leading to his death. The said allegations seem to be, *prima facie*, substantiated inasmuch as 26 injuries were found on the person of the deceased, as have been duly noticed in the post-mortem report. Such a huge number of injuries can't be handiwork of a few accused. However, the matter in hand pertaining to the grant of bail in respect of each of the four petitioners is being discussed separately as follows:
9. Iqbal Kaur's case (CRM-M-2926-2022):

A perusal of the FIR would show that although Iqbal Kaur is named in the FIR, but is not stated to have participated in the occurrence when the complainant's son was attacked. Admittedly, she was not present at the spot. However, the role attributed to her is that the entire incident had taken place at her behest, as she was having litigation pertaining to the property with complainant's brother-in-law Balwinder Singh, who was

also present at the spot and the deceased had been helping Balwinder Singh to pursue his cases. It is specifically alleged that she (Iqbal Kaur) had conspired with Anantdeep Singh and Sukhvir Singh as well as other accused for the purpose of commission of offences.

10. Having regard to the afore-stated position, wherein the role attributed to petitioner Iqbal Kaur is that of a conspirator and who specifically had a motive for elimination of deceased and at whose instance the entire occurrence had taken place, this Court does not deem appropriate to release Iqbal Kaur on bail at this nascent stage. The testimonies of eye-witnesses are yet to be recorded. The complainant herself is an aged lady and there is every apprehension that the petitioner, if granted bail would again conspire with other co-accused who are still at large so as to intimidate the eye-witnesses and complainant. The trial Court is however directed to make an endeavour to expedite proceedings after consideration on framing of charge. If charges are framed against the accused, the complainant and eye-witnesses be examined in first instance. In case there is no progress in trial in the next 6 months, despite co-operation for the same by accused, the petitioner may approach this Court again so as to seek grant of bail. The petition on her behalf for grant of bail deserves dismissal, at this stage.

11. Sukhvir Singh @ Sukhi's case (CRM-M-8849-2022):

Although petitioner Sukhvir Singh is named in the FIR, but is not stated to be present at the spot when the occurrence took place and the role attributed to him, as per prosecution, is that of a conspirator having conspired with Iqbal Kaur and others for the purpose of commission of offences in question. It is, however, worth noticing that during the

course of investigation, the police has come across strong evidence as regards *alibi* of petitioner Sukhvir Singh. The relevant extract from application dated 01.12.2021 (Annexure P-2 in CRM-M-8849-2022) moved by the police for discharge of the petitioner is reproduced hereunder:

“Complaint No.589P.C03/21 dated 17.09.2021 was submitted by Paramjit Kaur wife of Sukhvir Kaur @ Sukhi, resident of village Rajeana regarding innocence of her husband to Deputy Inspector General of Police, Faridkot Range which was marked to Sh. Balkrishan Singla, Superintendent of Police (D), Faridkot who has written in his investigation report, “from the investigation and enquiry conducted till now it has been found that on the day the case was registered Sukhvir Singh @ Sukhi son of Mukhtiar Singh alongwith his wife Paramjit Kaur went to Delhi Heart Institute and Multispecialty Hospital Moga for getting medicines of his wife in this regard Paramjit Kaur has submitted proof i.e. OPD Slip of the hospital dated 17.08.2021 on which time 11:49:33 AM is entered. Apart from that Paramjit Kaur aforesaid has also produced video footage of the CCTV Camera installed in the hospital in the form of CD and as per statement of Gagandeep Sharma son of Inderjit Sharma resident of Shahid Bhagat Singh Nagar, who is employee in Delhi Heart Institute and Specialty Hospital Moga, Sukhvir Singh @ Sukhi’s wife Paramjit Kaur is found to have come to the Hospital for her medical checkup. From watching the CD of the video footage of the Hospital submitted by Paramjit Kaur, Sukhvir Singh @ Sukhi is found present on 17.08.2021 at Delhi Heart Institute and Specialty Hospital Moga alongwith his wife for her checkup.....”

12. The aforesaid factual position, as has been verified by the police particularly from the CCTV footage, shows that petitioner – Sukhvir Singh, at the time of occurrence, was not present at the spot and was present alongwith his wife Paramjit Kaur in Moga at Delhi Heart Institute and Specialty Hospital. However, it also needs to be noticed that even as per the FIR, there is no such allegation that the petitioner had inflicted an

injury or was present at the spot. Rather the allegations against the petitioner are to the effect that he had conspired with co-accused Iqbal Kaur and other accused for the purpose of commission of offences in question.

13. Bearing in mind the afore-stated position, wherein the petitioner who is amongst the three accused who are specifically named out of the 15-20 accused and there are specific allegations of his having conspired with Iqbal Kaur and Anantdeep for elimination of deceased who was actually murdered by 15-20 assailants, this Court does not deem appropriate to release Sukhvir Singh on bail at this nascent stage. The testimonies of eye-witnesses are yet to be recorded. The complainant herself is an aged lady and there is every apprehension that the petitioner, if granted bail would try to intimidate the eye-witnesses and complainant. The trial Court is however directed to make efforts for expediting proceedings after consideration on framing of charges. If charges are framed against the accused, the complainant and eye-witnesses be examined in first instance. In case there is no progress in trial in the next 6 months, despite co-operation for the same by accused, the petitioner may approach this Court again so as to seek grant of bail. The petition on behalf of Sukhvir Singh for grant of bail deserves dismissal, at this stage.

14. Yadwinder Singh's case (CRM-M-12400-2022):

This petitioner is nowhere named in the FIR. However, he came to be nominated as an accused in the supplementary statement dated 20.08.2021 (Annexure P-3 in CRM-M-12400-2022) made by Balwinder Singh, eye-witness to the occurrence, wherein he has stated that

Yadwinder Singh was amongst the assailants, who was sitting alongwith

Arbat Singh in his white coloured Innova Car bearing registration No.PB04AD-0303. It is also worth mentioning that the petitioner was also identified by the complainant during test identification parade. As per the case of the prosecution, petitioner – Yadwinder Singh was apprehended by the police while he was travelling with Arbat Singh in Innova car bearing registration No.PB04AD-0303. Upon being interrogated, the petitioner suffered a disclosure statement leading to recovery of 12 bore double barrel gun alongwith 20 live cartridges from his house. Although the police also claims that there is some “call details record” pertaining to phone Nos.9877897604 & 9492500002 stated to be used by the petitioner so as to indicate that he was present in Muktsar at the time of occurrence, but the veracity of said evidence has to be assessed alongwith other evidence collected by the police particularly as regards ownership of the SIMs in question. Since the petitioner has been specifically named by the eye-witness Balwinder Singh and was identified by the complainant in the test identification parade and the petitioner upon his arrest also suffered a disclosure statement leading to recovery of 12 bore double barrel gun alongwith 20 live cartridges, his complicity cannot be doubted at this stage. In these circumstances, the petitioner Yadwinder Singh cannot be said to be entitled for his release on bail.

15. Gurmukh Singh's case (CRM-M-8866-2022):

Petitioner – Gurmukh Singh is also not named in the FIR and came to be nominated on the basis of supplementary statement dated 25.08.2021 (Annexure P-2 in CRM-M-8866-2022) made by Balwinder Singh, wherein he stated that he had now come to know that petitioner –

Gurmukh Singh while driving a white coloured Zen car bearing registration No.PB11T-0085 stationed near Toll Plaza of Village Warring had been conducting *recce* alongwith Harpreet Singh @ Happy, Manpreet Singh @ Mahna and that he (Balwinder Singh) had also identified him in the CCTV footage collected from Green Dhaba Kotkapura. It may here be mentioned that the police during the course of investigation had collected CCTV footage from the CCTV cameras installed at Green Dhaba Kotkapura, in respect of the time period between 8:00 AM to 9:00 AM of 17.08.2021, where accused Anantdeep Singh (named in the FIR) had gathered alongwith other co-accused. The petitioner has been duly identified by the eye-witness Balwinder Singh in the said CCTV footage. In these circumstances, the complicity of petitioner – Gurmukh Singh is clearly evident. As such, he also does not deserve the concession of bail.

16. Further, in the present case, a large number of accused are yet to be arrested. Complainant Surinder Kaur is a lady aged about 70 years. Having regard to the manner in which the offence has been committed in broad daylight by a group of large number of persons, the chances of the petitioners threatening or intimidating the 70 years old lady complainant cannot be ruled out.
17. As an upshot of the discussion made above, all the four petitions are hereby dismissed.
18. A photocopy of this order be placed on all the connected files.

16.05.2022

Vimal

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