

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

(I) CRM-M-5486-2022 (O&M)

Bhupinder Singh @ Bhinda ... Petitioner

Versus

State of Punjab ... Respondent

(II) CRM-M-17357-2022 (O&M)

Baljinder Singh @ Binni ... Petitioner

Versus

State of Punjab ... Respondent

Date of Decision:-27.7.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sandeep Kumar, Advocate,
for the petitioner in CRM-M-17357-2022.

Mr. B.S.Bhalla, Advocate,
for the petitioner in CRM-M-5486-2022.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by ASI Satnam Singh.

GURVINDER SINGH GILL, J. (Oral)

CRM-26216-2022 in CRM-M-17357-2022

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 A-1 subject to all just exceptions.

CRM-M-5486-2022 and CRM-M-17357-2022 (Main Cases)

1. This order shall dispose of the above mentioned two petitions filed on behalf of petitioners Bhupinder Singh @ Bhinda and Baljinder Singh @ Binni seeking grant of regular bail in respect of a case registered vide FIR No.200 dated 17.08.2020 at Police Station Mehatpur, District Jalandhar (Rural), under Sections 302, 201 and 120-B of Indian Penal Code, 1860.
2. The FIR in question was lodged at the instance of Hardeep Singh, wherein he has stated that his sister Sarabjit Kaur was married to Jarnail Singh (deceased), who was a permanent resident of America. The complainant's sister also resided in America. It is stated that complainant's brother-in-law Jarnail Singh had come to India on 28.07.2020 and was residing at his friend's house in Ludhiana. On 16.08.2020, the complainant received a call from Police Station Mehatpur (District Jalandhar) that dead body of Jarnail Singh is lying in the area of Satluj River bank, near Dhussi Dam Village Raipur Mand. The complainant upon reaching the said place, identified the dead-body of his brother-in-law Jarnail Singh. It is alleged that some unknown persons had murdered Jarnail Singh and had thrown his dead-body in River Satluj.
3. Learned counsel representing the petitioners have submitted that the petitioners are nowhere named in the FIR and came to be nominated subsequently on the basis of a disclosure statement made by co-accused Manminder Singh, wherein he has stated that the petitioners were also accompanying said Manminder Singh and deceased when they were proceeding to Jalandhar and when the deceased was done to death. It has been submitted that it is Manminder Singh, who could have a motive to

eliminate Jarnail Singh as he was having some kind of relationship with Jarnail Singh's wife and that the petitioners had no motive whatsoever to murder the deceased. It has further been submitted that apart from the aforesaid disclosure statement of co-accused Manminder Singh, there is no credible evidence to connect the petitioners with the alleged murder.

4. Opposing the petitions, learned State counsel has submitted that after co-accused Manminder Singh was arrested on 19.8.2020 i.e. after two days of lodging of the FIR, he shortly thereafter suffered a disclosure statement naming the petitioners as co-accused and, as such, there is no reason to disbelieve him or to say that a concocted version is put forth. Learned State counsel has submitted that the petitioners are part and parcel of the conspiracy to eliminate the deceased Jarnail Singh and the very fact that they had accompanied the deceased as well as Manminder Singh in a car to Jalandhar and while on the way said Jarnail Singh was eliminated, their complicity is clearly evident. Learned State counsel has, however, informed that both the petitioners have been behind bars since the last about 1 year and 11 months and that they are not involved in any other case. It has been informed that as many as 18 PWs have been cited and that charges are yet to be framed.
5. I have considered rival submissions addressed before this Court.
6. It is certainly not in dispute that it is a case of blind murder. The petitioners have been nominated as accused on the basis of disclosure statement made by a co-accused, the admissibility and veracity of such like disclosure statement would be debatable particularly if there is no other evidence to corroborate the version put forth in the said disclosure statement. The

petitioners otherwise have been behind bars for a substantial period of 1 year and 11 months. Another co-accused Harcharan Singh @ Happy, who had also been nominated on the basis of disclosure statement of Manminder Singh, has already been granted regular bail by this Court vide order dated 29.10.2021 passed in CRM-M-12400 of 2021. In these circumstances particularly bearing in mind the custody of petitioners and the fact that conclusion of trial is likely to consume time inasmuch as the trial has not even commenced till date and as many as 18 PWs have been cited, further detention of the petitioners will not serve any useful purpose.

7. The petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned. The application i.e. CRM-26217-2022 in CRM-M-17357-2022 seeking grant of interim regular bail is rendered infructuous and is disposed off as such.
8. A copy of this order be placed on the file of connected case.

27.7.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No