

**CRM-M No.21560 of 2021,
CRM-M-26119-2021,
CRM-M-30068-2020 (O & M) and
CRM-M-30114-2021**

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

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**CRM-M No.21560 of 2021
Date of decision:04.03.2022**

Jaswant Singh @ Bitta

... Petitioner

Vs.

State of Punjab

... Respondent

CRM-M No.26119 of 2021

Sukhmander Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CRM-M No.30068 of 2020 (O & M)

Darshan Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CRM-M No.30114 of 2021

Parvinder Kaur @ Param

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. J.S. Dadwal, Advocate
for the petitioner (in CRM-M-21560-2021).

CRM-M No.21560 of 2021,
CRM-M-26119-2021,
CRM-M-30068-2020 (O & M) and
CRM-M-30114-2021

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Mr. Gurjot Singh Sadhrao, Advocate
for the petitioner (in CRM-M-26119-2021).

Dr. Puneet Kaur Sekhon, Advocate
for the petitioner (in CRM-M-30068-2020).

Mr. Sandeep Verma, Advocate
for the petitioner (in CRM-M-30114-2021).

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Hakam Singh, Advocate for the complainant

SUVIR SEHGAL J.(ORAL)

This order shall dispose of CRM-M-21560-2021 titled as **Jaswant Singh @ Bitta versus State of Punjab**, CRM-M-26119-2021 titled as **Sukhmander Singh versus State of Punjab**, CRM-M-30068-2020 titled as **Darshan Singh versus State of Punjab** and CRM-M-30114-2021 titled as **Parvinder Kaur @ Param versus State of Punjab** as all the four petitioners are accused in the same case i.e. FIR No.81 dated 20.05.2019 registered under Sections 365, 120-B, IPC, whereas challan has been presented under Sections 306, 342, 201, 120-B of IPC, 1860, and other offences have been deleted, at Police Station Sadar Faridkot, District Faridkot, Annexure P-1, and have approached this Court by way of separate petitions seeking grant of regular bail under Section 439 of Cr.P.C. For the sake of convenience, facts are being taken from CRM-M-21560-2021.

Parvinder Kaur, Jaswant Singh and Darshan Singh have approached this Court for the second time. Their earlier petition was withdrawn, after arguments, in November, 2019 and May, 2020. Sukhmander Singh has approached this Court for the third time and his

first two petitions were withdrawn, after arguments, in May, 2020 and November, 2020.

As per the case of the prosecution, FIR, Annexure P-1, has been registered on the complaint of Gurcharan Singh on the allegation that his nephew, Jaspal Singh, has been apprehended from Gurudwara Sahib Rati Rori on 18.05.2019 by Narender Singh, Incharge CIA. Along with Gursewak and some other persons, complainant met Narender, who told that Jaspal had been taken into custody on receiving some complaint and a baptized Sikh had taken him with him. The next morning, Ranbir Singh, informed the complainant that Baaj Singh has tied him. He again went to meet CIA staff and was told that Narender has died due to a gun shot injury. He suspected a conspiracy between Ranbir Singh, Jaswant Singh @ Bitta (petitioner in CRM-M-21560-2021), Baljit Singh, Baaj Singh and Parvinder Kaur @ Param (petitioner in CRM-M-30114-2021) as Jaspal was in a relationship with Simmu daughter of Parvinder Kaur and Ranbir, who were against this relationship.

It has been submitted that allegation against Jaswant Singh, on the basis of his disclosure statement, is that he called Jaspal Singh to village Ratti Rori on some pretence at the instance of Ranbir Singh, who called the PCR on some false allegation and got Jaspal Singh arrested by Inspector Narender Singh, as they were opposed to the affair of Jaspal Singh with Simmu, who wanted to marry each other. It has been further alleged that Ranbir Singh hatched a conspiracy with Roshan Singh to get Jaspal Singh implicated in a fabricated criminal case and in case the plan did not succeed, then Roshan Singh was to kill him. Still further it has

been alleged that Parvinder Kaur @ Param was aware of the conspiracy.

Allegation against Sukhmander Singh, Head Constable (petitioner in CRM-M-26119-2021) is that at about 11.00 pm on 18.05.2019, when he was on duty, Inspector Narender Singh (deceased) brought and illegally detained Jaspal Singh in lock-up, where he committed suicide and left behind a suicide note written with his finger on the wall of the cell. Though the suicide note is alleged to have been washed and the body disposed of by Inspector Narender Singh and MHC Darshan Singh (petitioner in CRM-M-30068-2020) in Rajasthan Feeder Canal, but a picture of the suicide note has been recovered from the mobile of HC Sukhmander Singh.

It has been urged by the counsel for the petitioners that although Jaswant Singh and Parvinder Kaur are named in the FIR, but there is no incriminating material against them, besides their confessional statements recorded in police custody, which are inadmissible in evidence. An argument has been raised that neither the dead body of Jaspal Singh has been recovered, nor any recovery has been made from the petitioners, but for a photograph of the alleged suicide note of Jaspal Singh from the mobile of H.C. Sukhmander Singh, legality and veracity of which is yet to be ascertained. On behalf of accused, Darshan Singh, it has been contended that he was not on duty when Jaspal Singh was allegedly illegally detained. Counsel submits that Darshan Singh has serious health issues and is on interim bail on medical grounds vide order dated 26.11.2020 passed by this Court and has not misused the concession of bail. Counsel submits that the previous bail

petitions were withdrawn from this Court in the year, 2020, even before the charge was framed and all the petitioners, who have been in custody since May/June, 2019, deserve to be released on bail.

Per contra, learned State counsel upon instructions from SI Gurjant Singh, has opposed the petitions and submitted that accused Jaswant Singh and Parvinder Kaur @ Param played an active role in the conspiracy to eliminate the deceased-Jaspal. He submits that insofar as both police officials, Sukhmander Singh and Darshan Singh are concerned, they destroyed vital piece of evidence. As per his instructions, 05 out of 37 prosecution witnesses have been examined including the complainant.

Counsel for the complainant submits that a heinous crime has been committed by the accused in active connivance with the police officials. He has also submitted that the complainant has been receiving threats on mobile from accused-Roshan, who is in custody.

I have considered the respective submissions of the counsel for the parties.

In view of the above facts and circumstances, this Court is of the view that the individual role of each of the accused-petitioners as well as their complicity in the crime, will be a subject matter of debate before the trial court. Two crucial witnesses i.e. complainant and Gursewak, *granthi* of the Gurudwara, have been examined, therefore, the apprehension that the accused will try to influence material witnesses, is taken care of. Three petitioners, namely, Jaswant Singh @ Bitta, Sukhmander Singh and Parvinder Kaur @ Param, have been in custody

for more than two years and eight months, star witnesses having been examined and the trial likely to take time to conclude as 32 prosecution witnesses have yet to be examined. Insofar as Darshan Singh (petitioner in CRM-M-30068-2020) is concerned, he has been released on interim bail on medical ground by this Court and his subsequent medical status reports have been brought on the record, which do not show any improvement in his health condition. Keeping in view the above as well as medical condition of accused-Darshan Singh, all the four petitioners would be entitled to be enlarged on bail.

Without adverting to the arguments addressed by the counsel for the parties, the petitions are allowed. All the four petitioners are ordered to be released on bail on furnishing **heavy bail/surety bonds** to the satisfaction of the Trial Court/Duty Magistrate concerned. Liberty is granted to the Court to impose any other condition it deems appropriate.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

04.03.2022
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No