

CRM-M-17424-2021 and
CRM-M-21512-2020 (O&M)

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213 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Decided on: 16th March, 2022

1. CRM-M-17424-2021

Darshan Singh

Petitioner

Versus

State of Punjab

Respondent

2. CRM-M-21512-2020

Shivraj Singh @ Raja

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rajbir Singh Attri, Advocate for the petitioner
in CRM-M-17424-2021.
Mr. Aman Dhir, Advocate for the petitioner
in CRM-M-21512-2020.
Mr. Sandeep Kumar, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

1. The petitioners are seeking regular bail in FIR No. 277, dated 5th December, 2019, under Section 302 of IPC, 1860, (Section 120-B added later on) Sections 25, 27 of Arms Act, 1959, registered at Police Station Sadar Kharar, District SAS Nagar, Mohali.

2. The brief facts are that FIR was registered at the instance of Raj Kumar-complainant. As per the contents of the FIR, daughter of complainant Sarabjit Kaur(deceased) was shot dead on 5th December, 2019 by unknown persons. As per the supplementary statement of the

complainant, deceased was in a live-in relationship with Harvinder Singh Sandhu who was already married. Deceased had a daughter from the relationship. The motive behind the incident was stated to be that Harvinder Singh Sandhu wanted to get rid of the deceased, as she was pressing hard for solemnizing marriage with her. As per the case set up, one Shinder Baba was approached for either lending his weapon or eliminating the deceased. Ultimately, the deal was struck, recce of the spot was done. Darshan Singh (petitioner in CRM-M-17424-2021) along with Jaswinder Singh made a first attempt on 15th November, 2019 to eliminate the deceased but as she was accompanied by her minor daughter, the plan was postponed. Darshan Singh was one of the conspirator for the incident which took place on 5th December, 2019. The role attributed to Shivraj Singh @ Raja (petitioner in CRM-M-21512-2021) is that he lends his car to Shinder Baba for the incident which took place on 5th December, 2019. The purchase of that car was made through a chain of transactions and he was driving the car at the time of shooting.

3. Mr. Rajbir Singh Attri, Advocate for the petitioner- Darshan Singh submits that petitioner was not named in the FIR, he had not played any active role in the incident. Further, it is contended that petitioner has railway ticket to support his plea of *alibi*.

4. Mr. Aman Dhir, Advocate for the petitioner- Shivraj Singh @ Raja submits that as per the supplementary statement of the complainant, the car used in the incident was seen for last 20-25 days with Shinder Baba. Recovery of the car was also made from Shinder Baba. He further submits that no money was recovered from him.

5. Learned State counsel on instructions opposes the prayer for grant of regular bail and submits that the trial is at an initial stage, complainant is yet to be examined. It was well planned conspiracy which was executed at the instance of Harvinder Singh Sandhu to get rid of the deceased. He further submits that apart from the disclosure statement, there is other material available against the petitioners.

6. This court generally desists from dwelling upon the merits of the case, however, on the insistence of the counsels for the petitioners, the contentions raised by them are being dealt with only for the purpose of deciding the bail petitions and shall not be construed as an opinion on the merits of the cases.

7. The contention that the petitioner (Darshan Singh) was not named in FIR, does not enhance the case for grant of bail. In the incident where the accused were hired for eliminating a person, it is not possible for the complainant to know the details and name of each of the accused. It is a trite law that FIR is not expected to be an encyclopedia of the fact. As per the case of the prosecution, Darshan Singh played an active role, he made an attempt to eliminate the deceased but could not execute. The plea of *alibi* would be a defence available during the trial. It is not expected that this Court while dealing with the prayer for grant of regular bail, will hold a mini trial.

8. The car belonging to petitioner (Shivraj Singh) though was recovered from Shinder Baba but as per the allegations, Shivraj Singh was made part of the conspiracy and an amount was promised for lending his car to be used in the incident. It would not be appropriate at this stage to

comment upon the evidentiary value of evidence available with the prosecution that the car belonged to the petitioner-Shivraj Singh. Moreover, as allegations, petitioner was present at the time of the incident and he was driving the car.

9. No case is made out for grant of regular bail.

10. Dismissed.

11. Since the main case is dismissed, pending applications if any rendered infructuous.

11. Photocopy of this order be placed on the file of the connected case.

**[AVNEESH JHINGAN]
JUDGE**

16th March, 2022

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes /No
2. Whether reportable	:	Yes /No