

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

CRM-M-31518-2022

Date of Decision: 13.09.2022

Kalyani Singh

.....Petitioner

Versus

Central Bureau of Investigation

.....Respondent

CORAM: HON'BLE MR.JUSTICE SURESHWAR THAKUR.

**Present: Mr. R.S. Cheema, Senior Advocate with
Mr. Sartej Singh Narula, Advocate,
Mr. Sandeep Sharma, Advocate,
Mr. Arshdeep Singh Cheema, Advocate,
Mr. Gurinder Singh, Advocate and
Mr. Satish Sharma, Advocate for the petitioner.**

Mr. Rajeev Anand, Standing Counsel for respondent-CBI.

**Mr. R.S. Bains, Senior Advocate with
Ms. Aarushi Garg, Advocate for the complainant.**

SURESHWAR THAKUR, J.

1. Through the instant petition cast under Section 439 of the Code of Criminal Procedure, the petitioner claims relief of hers becoming admitted to regular bail in case FIR RC No. 0512016S0004 dated 13.4.2016, under Sections 302, 120-B, 201 of Indian Penal Code and under Section 25/27/54 of Arms Act, registered at Police Station Special Crime Branch, Central Bureau of Investigation (CBI), Chandigarh. It is relevant to mention that the investigations into the instant crime event, were initially entered into by the Chandigarh Police but subsequently, through an order

No. 134-HIII(2)-2016/1339 dated 20.1.2016 of the Home Secretary, Chandigarh Administration, the investigations were transferred to the CBI, resultantly, the crime event became registered with the Special Crime Branch, CBI, Chandigarh.

CONTENTS OF FIR

2. The crime event, occurred near Kothi No. 1001, Sector 27-B, Chandigarh. An intimation was given by the Sub Inspector concerned to the Station House Officer (SHO), Police Station, Sector 26, Chandigarh that when the police party was present in the area of Police Station, to spot attend, in the Government vehicle bearing registration No. CH01G1-6243, then they at about 10 PM, received an intimation through wireless message in the Police Station, that a person is lying near Kothi No. 1001, Sector 27-B, Chandigarh. On receipt of the said information, the SHO of the Police Station concerned along with ASI besides being accompanied by other police officials arrived at the crime site in the Government vehicle, where, it was found that a dead body of a man, aged about 34/35 years was lying in a pool of blood on a pedestrian track in the green park adjoining Kothi No. 1015, Sector 27-B, Chandigarh. He was noticed to be carrying injuries on his left cheek and chest and blood was oozing from the above injuries. The police suspected that he had received gun shot injuries. Since the spot inspection revealed that an offence under Section 302 of the Indian Penal Code has been committed, therefore, a ruqa was sent from the crime site to the Police Station concerned for registration of a case under Section 302 of the Indian Penal Code against unknown persons.

FACTUAL BACKGROUND

3. It is but obvious that since then though the CBI on transfer to it,

of the relevant investigations, had entered into investigations in respect of the above crime event, but obviously for almost more than six years therefrom, the CBI did not make any headway in solving the murder of deceased Sukhmanpreet Singh alias Sippy Sidhu. It was only on 15.6.2022 that the present petitioner was arrested, on the basis of certain inculpatory evidence as became collected by the CBI. This Court would refer to and would also hereafter adjudicate upon the validity or otherwise of the inculpatory evidence collected against the present petitioner by the CBI.

PROCEEDINGS BEFORE THE COMMITTAL COURT

4. During the course of investigations into the petition crime event, the then Investigating Officer had on 7.12.2020 instituted an untraced report before the learned committal Court concerned. The relevant portions thereof, as occurring in paragraphs 16.31 to 16.65 thereof, become extracted hereinafter:-

“16.31 Investigation has revealed that in April-May 2015, Sippy Sidhu again managed to send the objectionable pictures of Ms. Kalyani Singh over the mobile phone of her friends. On enquiry by her friends, Ms. Kalyani Singh advised them to delete the same as it is a morphed pictures suspecting the act of Sippy Sidhu. Ms. Kalyani Singh also raised objections with the mother of Sippy Sidhu, who assured Ms. Kalyani Singh that she would arrange marriage of Sippy Sidhu. However, Ms. Kalyani Singh told her that she do not want to marry with Sippy Sidhu. Even at this juncture, Sippy Sidhu and Ms. Kalyani Singh were in touch by meeting each other and also exchanged e-mails after the incident of 27.11.2014, Ms. Kalyani Singh remained in touch with Sippy Sidhu over his email id sippysidhu@gmail.com from her mail id

singh.kalyani26@yahoo.com.

- 16.32 Investigation has revealed that in the month of April-May, 2015, Sachin Bhatia, a known to Ms. Kalyani Singh received obscene photographs of Ms. Kalyani Singh from mobile number 8198834127 which continued till July, 2015, however, he could not get the identity of the sender as Ms. Kalyani informed him not to respond to that number. Ms. Kalyani Singh also disclosed that her marriage could not be materialised as mother of Sippy Sidhu does not want intercaste marriage.
- 16.33 Investigation has revealed that Ms. Kalyani Singh was frequent visitor to the office of Sippy Sidhu upto the month of August, 2015. Ms. Kalyani Singh also used to assist Sh. Sippy Sidhu in his office. Sometime Ms. Kalyani Singh also used to take the mobile phone of employees of Sippy Sidhu to call him, when he was not available in the office.
- 16.34 Investigation conducted has disclosed that on 17.08.2015 night 3-4 suspects found to have visited outside the residence of deceased Sippy Sidhu and left the place in a small car. They left behind a black colour pouch containing a spiral diary in which the name, address and mobile number of Sippy Sidhu along with Bhupinder Singh @ Yuvraj were mentioned. A complaint was lodged with Punjab Police at Mohali. No clue of suspects could be worked out in spite of immediate action of Mohali Police.
- 16.35 Investigation has revealed that in the spiral diary left by the suspects on 17.08.2015 night outside the residence of deceased Sippy Sidhu was having the mention of date as 07.07.2015, u/s 302, Bhiwani, Dinesh and mobile No.9999996166 besides the names of deceased Sippy Sidhu and his friends. The

perusal of records of District and Sessions Judge, Bhiwani has revealed that a total of 32 murder cases were under trial as on 07.07.2015 in five different courts of Bhiwani out of which only 10 cases were fixed for hearing on 07.07.2015. The information about the cases u/s 302 IPC pending at Bhiwani Courts were scrutinized however the link of accused persons in that cases could not be established. Besides above the other murder cases pending in Bhiwani with regard to heinous crime, rewarded criminals and most wanted criminals involved in the offences of kidnapping, ransom, murder and parole jumpers was obtained. No link of any criminal including the name Dinesh which was mentioned in the spiral diary could be ascertained. The mobile No. 9999996166 mentioned in the diary found to be of Sh. Sumit Gupta r/o Shakarpur, Delhi-92, who is running a Photostat and Telecom shop at Shakarpur, Delhi including selling and recharging of mobile phone of different service providers. He denied having knowledge of any person in the name of Dinesh or a person of Bhiwani etc.

- 16.36 Investigation has revealed that on 20.08.2015, GF-1 dropped Sippy Sidhu at Railway Station, Chandigarh to board Shatabdi train to Delhi. Sippy Sidhu stayed with GF-II at Delhi for a night. Next day, on 21.08.2015 at 13:45 hrs, he boarded the flight no.9 W 122 from Delhi to London.
- 16.37 Investigation conducted has revealed that Sippy Sidhu and Ms. Kalyani Singh exchanged numerous mails up to 14.09.2015 including the period he remained abroad. During the exchange of above E.mails both shares the incident of some suspects detected outside the house of Sippy Sidhu to which Ms. Kalyani Singh advised him to be vigilant as he is

being followed.

- On 29.08.2015, Sippy Sidhu admitted his wrong doings with reasons and told her about his seriousness to marry her and asked her if she found someone else now. He offered her to clear the things once and for all and he will make Ms. Kalyani with GF-I to clear the things face to face. Ms. Kalyani also replied him that she and her family had seen him with GF-I often.
- On 30.08.2015, during exchange of mails, Sippy Sidhu informed that news is, Aunty finding guy in High Court, you found him, I knew it and further Sippy informed her that he had ended all ties with GF-I as he cannot afford to loose Kalyani over friendship of GF-I.
- On 07.09.2015, Ms. Kalyani Singh sent E.mail to Sippy Sidhu asking about his well being and journey plan as per following text:

“Hi How are u? How is everyone? I am ok. How is ur trip going? How was the awards function? Any promotion of the firm? And otherwise. How is ur tour going on the professional forefront? Hope you are having fun. Do take care of your back and do not over exert yourself.”
- On 08.09.2015, in reply to the above E.mail of Ms. Kalyani Singh, Sippy Sidhu replied as under:

“Hi I am fine here. Awards went well. I am leaving for Toronto on 10. I will be in India on 16th Sep. then I will stay there for couple of weeks and then again i hv to leave abroad for few months. How r u. Thanks.”

16.38 Investigation has revealed that during his visit to Canada, Sippy Sidhu participated in the sports award function on 4th September, 2015 organised by his friend Sh. Ramandeep Singh Goldy in UK. Sippy

Sidhu stayed with him upto 7th September, 2015. During his above visit, Sippy Sidhu told his friend Raman Deep Goldy that he is facing some threats as some persons were seen outside his residence and is suspecting threat to his life. Thereafter, Sippy Sidhu went to Toronto to meet his friends and stayed there upto 15.09.2015. He returned to India on 16.09.2015 by flight No. 9W 229.

16.39 Investigation has revealed that on his return to India on 16.09.2015, Sippy Sidhu was received by GF-II at Delhi and he stayed with her upto 18.09.2015 morning. He left Delhi by Air on 18.09.2015 morning and was received by GF-I along with her father at Chandigarh Airport. She dropped him at his residence. On the same day at about 11.00 AM Sippy Sidhu again met GF-I at her factory and planned to watch a movie 'Everest' at Elante Mall, Chandigarh. At about 8.15 PM, when Sh. Sippy Sidhu along with GF-I was present in his car at Industrial Area, Chandigarh, he received 02 calls over his mobile No. 9888810001 from Mobile No. 8558073647, after which he was perplexed and decided to cancel the movie programme, though they had advance booking of the movie show at Elante Mall, Chandigarh. Both came back to Mohali. At about 2100 hrs, on 18.09.2015 night, the mobile location of deceased was seen at Sector 27, Chandigarh.

16.40 Investigation has revealed that as per CDR of mobile number 9888810001 of Sippy Sidhu, two calls were received to him in the presence of GF-I when his location was at Industrial Area, Chandigarh. The said calls were received from mobile number 8558073647 of Harishankar Gupta, a Mehndi Applier at Sector 19, Chandigarh. It is pertinent to mention here that at about 8:15 PM when Sippy Sidhu

received a phone call while sitting in his car beside GF-I, he responded to the said call as “*Main karda han Main Karda han*” this word was audible to GF-I. Thereafter, he again received a call, in order to attend the same he went out of the car and attended the same while standing back side of the car. When Sh. Sippy Sidhu came back to his car, he was perplexed and on being asked by GF-I, he explained by saying “*Meri tan fatt gayi si*”I. Sh. Sippy Sidhu further falsely explained that his brother Sh. Jippy Sidhu along with another Advocate were supposed to appear in the court however they could not do so and daughter of his client was lodged at Police lockup at Sector 19, Chandigarh. Now, the mother of the client is blaming by saying “*meri kudi di life kharab kar diti h, te main chhadna ni*”. While moving towards Elante Mall Light Points from the furniture shop he was very nervous and upset and told GF-I that now his reputation is at stack. Thereafter, he cancelled the movie programme and came back to Mohali. Accordingly, he dropped GF-I at her house. Thereafter, at about 21:06:33 hrs, the location of mobile phone of deceased is found to be at Sector 27, Chandigarh before his return to his home location at 21.48.24 hrs on 18.09.2015. No girl/female was lodged in police lock up at PS Sector 19, Chandigarh as on 18.09.2015.

- 16.41 Investigation has revealed that Sh. Hari Shankar Gupta was working as mehendi applier in Sector 19, Chandigarh. On 18.09.2015, he was present in Sector-19, Chandigarh. At about 8:15 PM, a girl of the age of about 25 years, good looking, bearing black Top and Jean Pant, a dupatta of dark colour/black was wrapped around her neck, hair were open upto shoulders, normal structure, height of 5'-1”

or 5'-2" approached him and asked "*Mera Phone Ghar Chhut Gaya Hai, Mukhe Phone Karwa Do*". On her request he gave his mobile phone to said girl who after completing the call returned his mobile after deleting the number dialed by her. The mobile number of 8558073647 of Sh. Hari Shankar Gupta was used to make call to Sippy Sidhu over his mobile No. 9888810001 at 20.11.26 hrs by an unknown girl. This call was the same call which was attended by Sippy Sidhu in the presence of GF-I on 18.08.2015.

16.42 Investigation conducted has disclosed that Computerized sketch of suspect girl who made calls from Sector 19, Chandigarh on 18.09.2015 to deceased Sippy Sidhu has been prepared on the pointing out of above Sh. Hari Shankar Gupta, which indicates towards similar facitive of a girl as of Ms. Kalyani.

16.43 Investigation conducted has disclosed that on 18.09.2015 at 20:55:21 hrs, another call of 13 seconds was received over the mobile phone 9888810001 of deceased Sippy Sidhu from the mobile number 9216910382 which was later on identified as of Sh. Ballnder Kumar, who was present in the market at Sector 19, Chandigarh for purchase of clothes. He parked his motorcycle opposite to Manchanda Book Depot in Sector 19, Chandigarh where one girl of height of 5'3" wearing black top and jeans pant, having a dupatta around her neck approached him from the back and requested for a phone call to be made from his mobile to which he agreed and handed over his mobile phone to said unknown girl. The said girl made a call from his phone to someone. The description disclosed by above Ballnder Kumar is observed similar to that girl who approached Sh. Hari Shanker Gupta above. 03

issue.

- In the year 2010 M/s Ozone Company received an amount of Rs.07 crore from M/s Omaxe India to facilitate the latter to purchase land from farmers at Amritsar and get it released from acquisition by Improvement Trust Amritsar.
- Sh. Sippy Sidhu came in contacts of the Directors of Ozone Company, being run by Directors namely Sh. Sukhwinder Singh, Bhupinder Singh @ Yuvraj son-in-law of Bibi Jagir Kaur and Shri Avtar Singh to settle the matter with M/s Omaxe India.
- In the year 2013, Sh. Sippy Sidhu intervened the matter between M/s Ozone and M/s Omaxe at his residence to settle their issue. The matter could not be resolved and pending adjudication in the court. Thereafter, there was no interference on the part of Sippy Sidhu in the said matter.
- In the year 2009, Sh. Sippy Sidhu and Sh. Avtar Singh agreed to construct an office building on the plot owned by Sippy Sidhu at F-452, Phase-8B, Mohali. The cost of the industrial plot was considered as Rs.2.35 Crore and an equal amount was paid by Sh. Avtar Singh for construction of the building and share of 51% and 49% in the office building was created between them.
- Sh. Avtar Singh NRI and Director of M/s Ozone also invested in certain properties in Mohali and Jalandhar Distt. of Punjab, of which disputes were in the knowledge of deceased Sippy Sidhu, however, no role of Sippy Sidhu in said dispute was found

which may be the motive of enmity with Sippy Sidhu.

During investigation, no involvement or motive of any person in the property matter has been found which may cause the extent of enmity and murder of Sippy Sidhu.

(ii) Affairs with other girls:

Investigation has revealed that Sippy Sidhu was having multiple affairs with other girls. Their names have not been incorporated in view of dignity of woman and to avoid any adverse inference in the society as no role on their part in the murder of Sippy Sidhu has been established. These women have been marked as GF-I, GF-2, GF-3, GF-4, GF-5 and GF-6 as under:-

GF-I

- Sh. Sippy Sidhu developed intimacy with her who is a single child of an industrialist at Mohali.
- Her parents proposed an engagement of their daughter with Sippy Sidhu, however the same was delayed by mother of Sippy Sidhu.
- Ms. Kalyani Singh objected the relation of said girl with Sippy Sidhu. And also warned her by sending message suggesting her to stay away from Sippy Sidhu and to see her at her home or office.

GF-2

- She came in contact of Sippy Sidhu during college days in the year 2002.
- In the year 2004, she married to another boy residing at Delhi.
- In the year 2011 she had strained relation with her husband and started living

