

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : CRM-M-3173-2023

Pronounced On : August 25, 2023

Pardeep Singh @ Sunny		Petitioner
vs.		
State of Haryana		Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

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Present : Mr. Navkiran Singh, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

Mr. M. S. Dhaliwal, Advocate
for the complainant.

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GURBIR SINGH, J. :

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.188 dated 24.06.2021, under Sections 120-B, 201, 302, 364, 392 IPC read with Section 34 IPC and Section 25 of Arms Act, registered at Police Station Pehowa, District Kurukshetra.

2. As per allegations, on 24.06.2021, on a secret information that a dead body was lying in an Innova car near Bodhni Canal, SI Satish Kumar, accompanied by other police officials, reached at the disclosed site. On reaching there and seeing the dead body lying inside the car, intimation was given to the senior officers. Dr. Kulvinder Singh, Head of Scene of Crime Team and Fingerprint Expert and HC Sanjay Kumar were also intimated to reach at the spot. In the meantime, Deputy Superintendent of Police,

Pehowa also reached there. Smt. Kuldeep Kaur wife of late Sandeep Singh, resident of village Badi Karo, Police Station Nawan Gaon, District Mohali, Punjab made a complaint that she was married with Sandeep Singh son of Sh Darshan Singh in the year 2004. They were blessed with two daughters and a son. In the year 2008 they shifted and settled in Mohali. She further disclosed that her husband, apart from being agriculturist, was a property dealer and also used to run a firm of commission agency. Manjeet Singh resident of Devigarh, having mobile no.98789-26813 had been visiting them since 2018. Her husband, however, used to meet him outside. On 21.06.2021, at about 04:00 PM, her husband left the home along with his personal revolver, licence and a pair of clothes by telling that he would be accompanying Manjeet Singh, who had to collect some payment. Her husband left in a car bearing registration No.PB-65-BA-9979, which was being driven by him. A few hours thereafter, at about 08:00 PM, she had a telephonic conversation with him, in which he disclosed that he had left Manjeet Singh at his native village and was staying in a hotel at Patiala. Thereafter, on 22.06.2021, she had a telephonic conversation with her husband twice/thrice, who disclosed her that work was not completed and as soon as the same was finished, he would return back home. On the following day i.e on 23.06.2021, she again had a telephonic conversation with her husband Sandeep Singh and also had a talk with Manjeet Singh. Her husband was sounding little perplexed and after exchanging few pleasantries, he disconnected the call. At about 07:00 PM, her husband called her and disclosed that he and Manjeet Singh were about to leave for Chandigarh and he would reach Chandigarh within two hours. Thereafter,

the mobile phone of her husband was switched off. On 24.06.2021, at about 04:00 AM, she noticed that mobile phone of her husband was switched on. She tried to talk to him but he did not respond. She called Manjeet Singh on his mobile phone, who attended the call and disclosed that Sandeep Singh had left previous evening i.e on 23.06.2021 at about 07:00 PM and that thereafter, he was not in his contact. On the same day i.e on 24.06.2021, at about 09:15 AM, she received the news of death of her husband on telephone. She, along with her brother-in-law Gurwant Singh son of Nirmal Singh and one Manjeet Singh son of Gurdarshan Singh, reached at the spot, identified the blood-soaked dead body of her husband, as also their car. She also noticed his revolver lying nearby and expressed her suspicion that her husband Sandeep Singh had been killed by Manjeet Singh and his associates with his own revolver and deliberately the dead body was kept in the car to hide true facts.

3. The FIR in question was registered. During investigation, Manjeet Singh, Sukhpal Singh @ Raj and the present petitioner namely Pardeep Singh @ Sunny were arrested. During interrogation, petitioner made a disclosure statement. Statement of Manjeet Singh was also recorded.

4. Counsel for the petitioner submits that the petitioner was arrested on the basis of disclosure statement of co-accused Manjeet Singh. The petitioner was not named in the FIR; false recovery of gold chain has been foisted upon him. The complainant has already been examined as PW-9. As per the disclosure statement of Manjeet Singh, the petitioner had left them much prior to the death of Sandeep Singh. He further submits that the

petitioner did not cause any injury to the deceased. He was not present there

at the time when Sandeep Singh was allegedly shot dead. The complainant made improvements in her statement as PW-9. The requisite part of her statement, recorded by learned Trial Court, is as under :-

“.....Thereafter, I requested Manjeet Singh to make a video call. Thereafter, there was a conversation on video call. In that video call, two other persons, who are present in the Court today, were also seen by me with Manjeet Singh, present in the Court. The recording of that conversation along with screen shot is with me in pen drive today along with its transcription, photographs of location is also with me. Thereafter, mobile phone of Sandeep Singh was found switched off every time.”

5. It is also submitted that had the petitioner, who is in custody since 26.06.2021, been present there, then the complainant would have got recorded his name in the FIR itself. The entire version is an after-thought.

6. Learned State counsel has opposed the prayer for grant of bail to the petitioner by contending that the petitioner, along with others, confined the deceased Sandeep Singh and also removed the gold chain worn by him. Learned State counsel further submits that the case of the petitioner cannot be segregated. There is the direct involvement of the petitioner to commit the crime in question. Complainant herself, when appeared as PW-9, specifically stated that she saw two other persons along with co-accused Manjeet Singh and she also saw the petitioner in the video call. So, presence of the petitioner along with other co-accused is fully established. From the call-detail records, it is established that the petitioner was in regular touch with the main accused. The involvement of the petitioner in the crime in question is fully established from recovery of gold chain belonging to the

deceased from the possession of the petitioner.

7. Heard.

8. In view of the facts and circumstances enumerated herein above, this Court is of the view that the petitioner is not named in the FIR. He is nominated on the basis of the disclosure statement of co-accused Manjeet Singh. As per version of the prosecution, on 23.06.2021, the petitioner alighted from the vehicle at Devigarh at about 12:00 Noon. On the intervening night of 23-24.06.2021, at about 03:30 AM, they reached the shop of Sukhpal Singh @ Raj and thereafter, murder was committed. The petitioner had already left the co-accused. The petitioner is in custody since 26.06.2021. The complainant has already been examined as PW-9. The culpability of the petitioner would be decided only during trial of the case. Since he has been in custody for more than two years and is not named in the FIR but nominated on the basis of disclosure statement of co-accused, no useful purpose would be served by further detention of the petitioner. Therefore, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds and surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate concerned.

9. Pending applications, if any, shall stand disposed of along with this judgment.

August 25, 2023
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.