

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3076-2023
DECIDED ON: 19.01.2023

BAHADER SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Mohit Sadana, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

The instant petition under Section 438 Cr.P.C., for grant of anticipatory bail in FIR No.92, dated 25.11.2022, under Sections 302, 201, 120-B of the IPC, Police Station Cheema, District Sangrur, whereas the anticipatory bail petition filed before the Additional Sessions Judge, Sangrur, has been declined vide order dated 23.12.2022 (Annexure P-2).

The contention of the learned counsel for the petitioner is primarily highlighting the contents of the FIR that the petitioner was not named therein as the complainant has merely stated that some unknown person brought the sleeping pills and after the deceased became unconscious having consumed the said pills, Rajji Kaur @ Jasvir Kaur along with her paramour Surjit Singh @ Bagga, committed the offence under Section 302 IPC. Learned counsel for the petitioner further vehemently argued that there is no corroborating evidence in any manner whatsoever to nominate the

petitioner as an accused in the instant FIR for commissioning of offence i.e. murder of Amrik Singh and no recovery has been effected from the present petitioner.

Notice of motion.

On the asking of the Court, Mr. Rajiv Verma, DAG, Punjab accepts notice on behalf of the respondent-State, who submits on instructions from ASI Gurbachan Singh has produced the record along with the confessional statement made by the co-accused Rajji Kaur @ Jasvir Kaur, which is duly signed (thumb impression) by her, wherein it is stated that it is the petitioner-Bahader Singh, from whom she bought the sleeping pills, which were administered to the deceased. In fact, an active role has been played by the petitioner while committing the offence.

Considering the aforesaid facts and the argument raised by the learned counsel for the petitioner that the petitioner was not specifically named in the FIR, does not inspire confidence and there is no corroborating evidence to implicate the petitioner in the present FIR also stands controverted by the confessional statement produced before this Court dated 26.11.2022, from Police Station Cheema, which has been duly signed (thumb impression) by the co-accused Rajji Kaur @ Jasvir Kaur, specifically naming the petitioner providing the sleeping pills.

The last and final contention raised by the petitioner qua no recovery of any weapon from the possession of the petitioner is of no help at this stage, since the petitioner is seeking the relief of anticipatory bail without associating himself in the investigation. Moreover, the sleeping pills whatever has been brought by the present petitioner as has been disclosed by co-accused

Rajji Kaur @ Jasvir Kaur, cannot be recovered by any stretch of imagination .

It is the weapon, which is used by Rajji Kaur @ Jasvir Kaur and her paramour Surjit Singh @ Bagga, which is to be recovered.

Considering the aforesaid facts and the sequence of events, the role played by the petitioner is much more active than the other co-accused. Had the petitioner not provide the sleeping pills probably the commissioning of offence i.e., murder of deceased Amrik Singh may not have been so easily committed.

In the light of above said facts, the petitioner has in fact facilitated the commissioning of offence in full senses having knowledge that for what purpose the petitioner is providing the sleeping pills and, therefore, does not deserve the concession of anticipatory bail at this stage.

The petition, therefore, being devoid of any merits stands dismissed.

(SANDEEP MOUDGIL)
JUDGE

19.01.2023

Poonam Negi

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No