

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

CRM-M-21180 of 2023(O&M)

Date of Decision: 30.10.2023

Jagseer Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Vipin Ghai, Sr. Advocate with
Mr. Maninder Singh Saini, Advocate
For the petitioner.**

Ms. Anju Sharma Kaushik, DAG Punjab.

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case having FIR No. 3 dated 06.01.2022, registered under Sections 302 read with Section 34 IPC at Police Station Sadar Mansa, to which offence under Sections 120-B, 201, 148 and 149 IPC were added while offence under Section 34 IPC was deleted.

2. The FIR in this case was registered on the basis of the statement of Buta Singh son of Inderjeet Singh wherein he stated that Jaswinder Kaur, real aunt of his wife Amandeep Kaur was married to Jarnail Singh son of Natha Singh. She had three sons namely Jagseer Singh, Gurdarshan Singh and Kulwinder Singh, out of which Gurdarshan Singh died about 11 months back. Jagseer Singh and his mother Jaswinder Kaur were residing in their residential house situated in the fields of village Mussa. His brother Kulwinder Singh @ Kaka was residing at Mansa. Aforesaid Jagseer Singh

was aged about 40 years and was unmarried. On the date of occurrence at about 9:00 a.m. complainant was present in his house and at that time Jasbir Singh @ Kala telephonically informed him that one Labh Kaur wife of Babu Singh who was working as a servant in the house of Jaswinder Kaur had informed him that when she (Labh Kaur) had gone to house of Jaswinder Kaur for work, no body opened the gate of the house. On this, they all went to house of Jagseer Singh on a motor cycle and there was no response from inside and then they entered the house by climbing the outer wall and found that Jaswinder Kaur and Jagseer Singh were lying dead on the cots in the courtyard and were having injuries on their bodies.

3. During investigation, it was revealed that Kulwinder Singh @ Kaka, petitioner Jagseer Singh @ Jagga, Akbar Khan @ Akku, Jaskaran Singh @ Jassi and Rashandeep Singh @ Rashan were involved in the murder of Jaswinder Kaur and Jagseer Singh. One Bikkar Singh got recorded his statement before the police to the effect that all the accused persons visited his house on 12.01.2022 and suffered extra judicial confession before him that they had murdered the aforesaid two persons. All the accused were arrested on 13.01.2022 and car bearing registration No. PB03BE-5858 registered in the name of Dara Khan father of Akbar Khan was also recovered from their possession.

4. The Senior counsel for the petitioner submits that the entire case is based on circumstantial evidence. That as per prosecution version the petitioner and his co-accused suffered extra judicial confession before Bikkar Singh. That, however, said Bikkar Singh while appearing in the witness box has not supported the case of the prosecution. It is further submitted that as per prosecution version one knife was recovered from the

possession of the petitioner but the prosecution failed to connect the blood stains appearing on said weapon with the blood group of the deceased. The Senior counsel for the petitioner further submits that similarly situated co-accused Rashandeep Singh @ Rashan who was apprehended by the police along with blood stained *gandasa* is already granted concession of regular bail by the Co-ordinate Bench vide order dated 13.10.2023 in CRM-M-12778 of 2023. The Senior counsel for the petitioner further submits that even the complainant Buta Singh while appearing in the witness box was declared hostile and has not stated anything against the present petitioner. It is further contended that it will take considerable time for the trial to conclude as till date only 02 witnesses out of total 37 witnesses are examined on behalf of the prosecution. So, prayer is made that the present petition be allowed.

5. The present petition is resisted by the State counsel. The status report by way of affidavit of Murad Jasvir Singh Gill, Deputy Superintendent of Police, Sub Division Mansa, filed on behalf of the State is taken on record along with copies of reports of Chemical Examiner, Annexures R-1 to R-3. The State counsel contends that two persons were killed by the accused persons including the petitioner and that the entire case is based on circumstantial evidence. It is further submitted that as per report of FSL knife which was recovered from the possession of the petitioner and was used in commission of crime was found to be stained with blood. The State counsel further submits that at this stage no ground is made out to enlarge the petitioner on bail. However, the State counsel has not disputed the fact that the trial is going on at snail's pace and till date only 02 witnesses are examined out of total 37 witnesses on behalf of the

prosecution and further both the material witnesses namely complainant Buta Singh and PW Bikkar Singh before whom the accused allegedly suffered extra judicial confession, have not supported the case of prosecution during the trial.

6. I have considered the submissions made by counsel for the parties.

7. The FIR in this case was registered against unknown persons who committed murder of Jaswinder Kaur and Jagseer Singh. Thus, the entire case is based on circumstantial evidence. The two material witnesses of the prosecution stand examined and they have not supported the case of prosecution. Admittedly, the petitioner is stated to be in custody since 13.01.2022 and till date only 02 out of the 37 prosecution witnesses have been examined so far. The similarly situated co-accused Rashandeep Singh @ Rashan from whom one blood stained *gandasa* was stated to be recovered has already been enlarged on bail by the Co-ordinate Bench vide order dated 13.10.2023. In the given circumstances, no purpose is going to be served by prolonging the judicial custody of the petitioner.

8. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

30.10.2023
Jiten

(KARAMJIT SINGH)
JUDGE

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