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(215)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28411-2022

Date of Decision: 20.04.2023

MUKHTAR SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, D.A.G, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.78 dated 12.07.2021 (Annexure P-1) registered under Sections 364/34/302/201 IPC, 1860 at Police Station Mohkampur, Amritsar.

2. The present FIR came to be registered at the instance of Sukhwinder Kaur wife of Kashmir Singh who stated that she had five children. Her daughter Ramandeep Kaur was married to Ranjit Singh @ Sonu son of Sucha Singh but had started residing with Sandeep Singh son of Mukhtar Singh (petitioner) as she had developed illicit relations with him. A child was also born from the said relationship. Over a period of time, the said Sandeep Singh had become annoyed with Ramandeep Kaur as she (Ramandeep Kaur deceased) had disclosed their whereabouts to her (Ramandeep Kaur's) family. She (complainant) had come to know that

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Sandeep Singh along with his 4-5 accomplices had killed her daughter Ramandeep Kaur and her new born child and had destroyed their bodies. Action was sought against Sandeep Singh and his 4-5 unknown accomplices.

Pursuant to the registration of the FIR, during the course of investigation Sandeep Singh was arrested and suffered his disclosure statement that he had developed illicit relations with Ramandeep Kaur due to which a dispute had arisen between her and her husband Ranjit Singh. Therefore, Ramandeep Kaur had left the matrimonial home and had started living at her parental home. Thereafter, he (Sandeep Singh) had started residing with Ramandeep Kaur. A child was also born out from this relationship. However, disputes had arisen between them. Therefore, he (Sandeep Singh) and his father Mukhtar Singh (present petitioner) had strangled Ramandeep Kaur with a rope and had also murdered their daughter by strangulation. The dead bodies of both had been burnt and the collected ashes were thrown into the canal.

During the course of investigation, the statement of Gurbinder Singh was recorded who stated that on 28.02.2021 two deaths had taken place in their village and the petitioner had demanded wood for the cremation of three dead bodies. Sandeep Singh son of the petitioner had taken the wood on a cycle cart. However, he (Gurbinder Singh) did not know about the name of the third person cremated at the cremation ground.

The statement of Surjit Singh (brother-in-law) of the deceased-Ramandeep Kaur was also recorded who stated that Sandeep Singh had made

an extra-judicial confession before him that he along with the petitioner had committed the murder of Ramandeep Kaur and their new born baby.

Based on the aforementioned evidence, the report under Section 173 Cr.P.C. was presented and charges came to be framed under Section 364, 302 and 201 IPC against the petitioner and his co-accused Sandeep Singh.

3. The learned counsel for the petitioner contends that the entire case of the prosecution is based on the confessional statement of Sandeep Singh, the son of the petitioner. So far as the statement of Gurbinder Singh is concerned, it in no way inculcates the petitioner. Similarly, the purported extra-judicial confession made by Sandeep Singh to Surjit Singh who is the brother-in-law of Ramandeep Kaur cannot be believed, firstly, because by its inherent nature an extra-judicial confession is a weak type of evidence and secondly, the question of making it to a relative of the deceased is highly unlikely. As the petitioner was in custody since 13.07.2021 and only 04 out of the 20 prosecution witnesses had been examined so far, the petitioner was entitled to the grant of bail, moreso, when he was a first-time offender.

4. A short reply dated 19.04.2023 by way of an affidavit of Lakhwinder Singh, PPS, Assistant Commissioner of Police (East), Amritsar City has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. He contends that the case is based on circumstantial evidence. There was sufficient available against the petitioner and his co-accused inculcating them in the commission of the offence. Therefore, no case for the grant of bail is made out. He however, concedes

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that the petitioner is a first-time offender, in custody since 13.07.2021 and only 04 out of the 20 prosecution witnesses had been examined so far.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner shall be established during the course of Trial. At this stage, as the petitioner is a first-time offender, in custody since 13.07.2021 and only 04 out of the 20 prosecution witnesses have been examined so far, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Mukhtar Singh son of Gurdeep Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case.

9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

20.04.2023

JITESH

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