

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

CRM-M-33968-2022 (O&M)

Date of decision: 20.02.2023

Sukhwant Singh @ Sukhpal @ Sukha @ Nikka

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Gagandeep Rana, Advocate
for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 08 dated 13.01.2020, registered under Sections 302, 506, 341, 120-B of the IPC and Section 25 of the Arms Act, 1959 (Sections 212, 216, 201 of the IPC and Sections 21, 29 of the NDSP Act, 1985 were added later on) at Police Station Kartarpur, District Jalandhar.

The first petition, bearing CRM-M-20790-2021, was dismissed by passing a detailed order on 11.03.2022.

Learned counsel for the petitioner submits that the new ground for filing the present petition is that one of the co-accused, namely Jagjit Singh @ Laddi, whose bail application was also dismissed on 11.03.2022, has now been granted the concession of regular bail by this Court, vide order dated 15.11.2022 passed in CRM-M-34125-2022. The operative part of the order reads as under:

“Brief facts of the case, as noticed in the order

dated 11.03.2022, are that the FIR was registered on the statement of Jatinder Singh, stating that he was doing the business of sand and crusher. On 13.01.2020, his brother Jagjit Singh, who was also doing the business with him, accompanied with Santokh Singh, Hamira and Rajan Singh were going in a Swift car bearing registration No.PB-09AB-8106 for some personal work to village Dhuripur when he reached near the village school, Simarjit Singh @ Simran armed with a pistol, Aman armed with a pistol, Sukhpal Singh @ Sukha @ Nikka armed with a baseball were standing on road side and stopped their car. When all the car occupants came out, Sukhpal Singh @ Sukha @ Nikka made an identification of all of them and pointed towards his brother Jagjit Singh @ Jagga by saying that Lakhwinder Singh @ Lakha has given a contract to kill him and he should be killed. Sukhpal Singh @ Sukha @ Nikka raised a lalkara that he should be murdered with the bullet shots and be not spared. Aman fired from his pistol at Jagjit Singh but he missed the fire. In the meantime, Simarjit Singh @ Simran fired a bullet shot from his pistol which hit Jagjit Singh on chest near his heart and he fell down on the ground. The complainant and others were scared. In the meantime, all the accused fled away from the spot by hurling abuses. He along with Santokh Singh and Rajan when took his brother Jagjit Singh @ Jaggi where he was declared brought dead.

Learned counsel for the petitioner has argued that later on, during the investigation, Lakhwinder Singh @ Lakha was found innocent, as he was not involved in the case. On 11.07.2020, Aman @ Amanpreet was arrested and he made a confessional statement regarding murder of Jagjit Singh and further disclosed that after committing the offence, they all went to the house of

Sukhwant Singh @ Nikka in Village Khera, where Manpreet Singh met them and arranged for shelter. He further disclosed that the pistol used in crime was arranged by Sumit Kumar @ Nony, who is a BSF employee in Sambha Sector in Jammu and Kashmir. Both of them were known to each other and in touch with one Pakistani national Shah Mussa, who has sent 15 kgs. heroine along with weapon to India through Sumit Kumar @ Nony and, thereafter, Sections 212 & 216 IPC were added. On 12.07.2020, Simranjit Singh @ Simran was arrested, who also confessed that the pistol used in the commission of offence was provided by Sumit Kumar @ Nony and one Skoda car was recovered from him along with a Samsung mobile phone. On 13.07.2020, Sumit Kumar @ Nony was arrested and he confessed that he and Ramandeep Singh @ Fauji were childhood friends and he received a call from Ramandeep Singh by giving mobile number of Taranjot Singh @ Tanna and Taranjot Singh @ Tanna and one Vicky were on Whatsapp chat and finalised the deal of bringing heroine in bulk quantity at a rate of Rs.One lac per packet and admitted smuggling of narcotic consignment and commission of drug money received by him. Thereafter, Section 29 of the NDPS Act and Section 201 IPC were added and one pistol of .9 mm along with cartridges and mobile phone and drug money of Rs.32,30,000/- were recovered from Sumit Kumar @ Nony and Section 21 NDPS Act was also added. On 14.07.2020, Taranjot Singh @ Tanna was arrested, after taking production warrants from Modern Jail, Kapurthala. He confessed that he is in jail for the last 1½ years and was in contact with Satinder @ Kala, who asked if he has any friend in BSF who can help in smuggling heroine to India from Pakistan. Thereafter,

Taranjot Singh @ Tanna introduced Satinder Singh @ Kala with Ramandeep Singh and they finalised a deal to bring heroine @ Rs.1.00 lac per packet. From Taranjot Singh @ Tanna also, recovery of Rs.7.00 lacs drug money was effected. It is stated that Taranjot Singh @ Tanna is involved in as many as 11 FIRs, including the NDPS Act and serious offences under Sections 302 & 392 IPC. On 19.07.2020, Ramandeep Singh was arrested from Uttar Pradesh. He stated that he has hidden his mobile phone in Uttar Pradesh, from which he was calling to a person Bajwa, a Pakistani national for supply of heroine. A damaged phone was recovered and sent to FSL. It is stated that the challan stands presented on 16.10.2020 and the case is now fixed for framing of charge.”

For the sake of brevity, the facts are not reproduced again.

Learned counsel for the petitioner submits that the petitioner is in judicial custody for the last about 02 years and 04 months; charges have been framed only on 14.02.2023 and conclusion of trial is likely to take a long time.

Learned counsel for the petitioner further submits that as per allegations in the FIR, the petitioner has raised a *lalkara* that deceased Jagjit Singh should not escape and they have taken some supari from Lakhwinder Singh @ Lakha. It is further submitted that during the course of investigation, said Lakhwinder Singh @ Lakha was found innocent and, therefore, the only allegation against the petitioner is that he has raised a *lalkara*.

Learned counsel for the petitioner further submits that the fatal injuries are attributed to co-accused Simarjit Singh @ Simran, who has fired shots on the chest of deceased.

Status report, by way of the affidavit of the DSP, Sub-Division Kartar, has been filed today in Court. The same is taken on record. As per status report, after the arrest of the petitioner, on the basis of his disclosure, a country made pistol along with cartridges was recovered. The role of the petitioner is stated as per allegations in the FIR that he has raised a *lalkara*. It is further stated that two more FIR, under the provisions of IPC, are pending against the petitioner, in which, he is facing trial.

Learned State counsel, on a Court query, could not dispute that Lakhwinder Singh @ Lakha was found innocent during investigation and the subsequent part of the investigation was relating to recovery of some narcotics.

A perusal of the record would reveal that aforesaid co-accused Simarjit Singh @ Simran has also been granted the concession of regular, vide order dated 22.03.2021 passed by this Court in CRM-M-39391-2020.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in long judicial custody; some of the co-accused of the petitioner have already been granted the concession of regular bail as noticed above and also considering the role of the petitioner as stated in the status report, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

20.02.2023

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*