

CRM-M-36804-2022 (O & M)

::1::

(217)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-36804-2022 (O & M)

Date of decision: 05.09.2023

Sher Singh

..... Petitioner

V/s

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Mr. Ashish Aggarwal, Advocate  
for the petitioner.

Ms. Ramta K Chaudhary, DAG, Punjab.

Mr. S.S. Majithia, Advocate,  
for the complainant.

\*\*\*\*\*

**JASJIT SINGH BEDI, J. (Oral)**

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of the regular bail to the petitioner in FIR No.28 dated 14.05.2018 under Sections 302, 364, 201, 148, 149 and 120-B IPC registered at Police Station Khem Karan, District Tarn Taran.

2. The present FIR came to be registered on the basis of statement of Parvinder Singh, who stated that he was an agriculturist. He had two sons, namely, Arshdeep Singh, who was married and Hassanpreet Singh , who was a bachelor. On 13.05.2018 at about 4.00 p.m., his son Hassanpreet

CRM-M-36804-2022 (O &amp; M)

::2::

(217)

When he did not return till evening, they (complainant party) made an enquiry from his friends. On 14.05.2018, he saw Jaswant Singh @ Jassa Singh son of Kabal Singh, his brothers, namely, Sher Singh-petitioner and Harpal Singh carrying something wrapped in a white carpet entering the house of Bohar Singh and Harpal Singh. Manjit Kaur wife of Jaswant Singh @ Jassa Singh and Manpreet Kaur wife of Harpal Singh followed them. Daya Singh who was a relative told him (complainant) that a day prior to the occurrence, he had seen Jaswant Singh @ Jassa Singh and Sher Singh (petitioner) catching hold of Hassanpreet Singh and taking him to the house of Jassa Singh. The parents of Ramandeep Kaur (daughter of Jaswant Singh @ Jassa Singh), had doubts that she was having an affair with his (complainant's) son Hassanpreet Singh. Jassa Singh and Sher Singh were living together in one house whereas Harpal Singh and Bohar Singh were living in separate houses. Ghulla son of Bohar Singh, Rana son of Sher Singh and Akash son of Jaswant Singh @ Jassa Singh might have killed Ramandeep Kaur and Hassanpreet Singh on account of their relationship and had hidden their bodies. Legal action was sought.

Pursuant to the registration of the FIR, the investigating agency recovered the dead body of Ramandeep Kaur from the house of Harpal Singh wrapped in a white sack and the same was taken into possession. The post-mortem report revealed multiple injuries on her person.

Jaswant Singh @ Jassa Singh was arrested on 14.05.2018 and suffered his disclosure statement that he alongwith his co-accused had

CRM-M-36804-2022 (O &amp; M)

::3::

(217)

disposed of his body in the manhole of his house. On the basis of the said disclosure statement, the dead body of deceased-Hassanpreet Singh was recovered from the said manhole.

The post-mortem examination of Hassanpreet Singh took place which revealed multiple injuries on his person.

The petitioner-Sher Singh was arrested on 12.06.2018.

After the investigation, besides the petitioner, 09 persons, namely, Jassa Singh @ Jaswant Singh, Rashpal Singh son of Kabal Singh, Manjit Kaur wife of Jaswant Singh, Manpreet Kaur wife Harpal Singh, Rajesh Kumar alias Raju Bhaiya, Manjinder Singh alias Ghulla son of Bohar Singh, Akashdeep Singh son of Jassa Singh, Ranjit Singh alias Rana son of Sher Singh were nominated as accused.

3. The learned counsel for the petitioner contends that the petitioner has been named on suspicion as he was a brother of Jaswant Singh @ Jassa Singh whose daughter-Ramandeep Kaur (deceased) was allegedly involved in a relationship with Hassanpreet Singh (deceased) son of the complainant. In fact, there was absolutely no admissible evidence against the petitioner. He contends that a disclosure statement of Jaswant Singh @ Jassa Singh was recorded on 14.05.2018 to the effect that he had committed the murder of Hassanpreet Singh as well as of his own daughter-Ramandeep Kaur who were found in a compromising position in his house. The alleged weapon of offence had also been recovered at the instance of Jaswant Singh @ Jassa Singh. On the other hand, no recovery had been effected from the

CRM-M-36804-2022 (O & M)

::4::

(217)

the 28 prosecution witnesses had been examined so far, he was entitled to the concession of bail as the trial was not nearing completion.

4. The learned counsel for the State while referring to the reply dated 05.09.2023, on the other hand, contends that it is a case of a double murder and the gravity of the offence did not entitle the petitioner to the grant of bail. He, however, concedes that the petitioner was in custody since 12.06.2018 and only 04 of the 28 prosecution witnesses had been examined so far.

5. The learned counsel for the complainant, on the other hand, vehemently opposed the bail application contending that the petitioner and his brother and other family members brutally committed the murder of two young persons, and therefore, even though the petitioner had been in custody since 12.06.2018, he was not entitled to the concession of bail.

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

7. While it is true that two persons have been murdered in the present case, it is equally true that the petitioner is in custody since 12.06.2018 and only 04 out of the 28 prosecution witnesses have been examined so far. Article 21 of the Constitution of India provides for the right to a speedy trial which has been *prima facie* violated in the present case as is evident from some of the zimni orders of the Trial Court which would show that on account of no fault on the part of the accused, they have continued to be in custody for the last more than 05 years. As only 04 of the 28 prosecution witnesses have been examined so far, the trial of the present

CRM-M-36804-2022 (O & M)

::5::

(217)

case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is unwarranted.

8. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Sher Singh, is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. The petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish an affidavit each time that he is not involved in any case/crime other than the present one.

10. If any attempt whatsoever is made by the petitioner and/or his family members/friends to contact/threaten/intimidate any of the witnesses of the present occurrence, the State/complainant shall be at liberty to move an application for cancellation of bail granted vide this order.

11. In addition, the petitioner (someone else on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- 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.

September 05, 2023  
sukhpreet

( JASJIT SINGH BEDI)  
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No