

In the High Court for the States of Punjab and Haryana
At Chandigarh

I) CRM-M-35028-2023 (O&M)

Iqbal Kaur ... Petitioner

Versus

State of Punjab ... Respondent

II) CRM-M-35839-2023 (O&M)

Sukhvir Singh @ Sukhi ... Petitioner

Versus

State of Punjab ... Respondent

Date of Decision:-29.11.2023

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Davinder Singh Khurana, Advocate,
for the petitioner in CRM-M-35028-2023.

Ms. Harpreet Maini, Advocate,
for the petitioner in CRM-M-35839-2023.

Mr. Ayush Sarna, AAG, Punjab.

Mr. Sarthak Jindal, Advocate for the complainant.

Mr. Sant Pal Singh Sidhu, Advocate for PW – Balwinder Singh.

FIR No.	Dated	Police Station	Section/s
0124	17.8.2021	Sadar Kotkapura, District Faridkot	302, 307, 341, 427, 506, 148, 149, 120-B of Indian Penal Code, wherein offences under Sections 323, 324 IPC were added later on, and Sections 25, 27, 54, 59 of Arms Act.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned two petitions filed on behalf of petitioners Iqbal Kaur and Sukhvir Singh @ Sukhi seeking grant of regular bail in respect of abovementioned FIR.
2. The matter pertains to murder of Navjot Singh. The FIR in question was lodged at the instance of Surinder Kaur, mother of deceased, wherein she has stated that that her '*Nanad*' (husband's sister) namely Gurjinder Kaur was married to Balwinder Singh. However, said Gurjinder Kaur expired in the year 1996 and after her death, Balwinder Singh started residing with Iqbal Kaur as her husband. Later, a dispute arose amongst them (Iqbal Kaur and Balwinder Singh) over money and property as a result of which Balwinder Singh and Iqbal Kaur started residing separately and some litigation was also pending amongst them. It is alleged that Iqbal Kaur with the help of her '*Jija*' (sister's husband) namely Anantdeep Singh took possession of Balwinder Singh's house regarding which Balwinder Singh got a case registered at Police Station NRI, Moga. It is alleged that on 17.08.2021, in order to pursue the said case of Balwinder Singh, she (complainant) alongwith Balwinder Singh, her son Navjot Singh @ Navi and one of their relatives Mandeep Singh @ Babbu proceeded from Sri Muktsar Sahib to Moga, in their car bearing registration No.DL-10-CF-0120. While they were on their way, a black coloured '*Scorpio*' vehicle, two '*Thar*' vehicles, one '*Innova*' vehicle and one more vehicle tried to surround their car. The complainant's son, who was driving the car, took the car towards a narrow link road and on account of the narrow road the vehicles following them could not overtake them, but the Scorpio vehicle following their car kept on banging into rear of their car and

also started firing upon them with an intention to kill them. However, when they (complainant party) approached the main road, the said vehicles were able to surround their car. It is alleged that Anantdeep Singh @ Roma, who was armed with a rod alongwith 15/20 unidentified persons alighted from the said vehicles carrying hockey sticks, baseball bats, rods, swords etc. Anantdeep Singh pulled out complainant's son Navjot Singh @ Navi from the car and exhorted his companions to teach him a lesson for not giving land to his sister-in-law Iqbal Kaur. Anantdeep Singh gave several blows with the help of rod on legs and arms of the complainant's son. The other persons also inflicted injuries to the complainant's son with their respective weapons and also fired shots. It is alleged that when complainant's brother-in-law Balwinder Singh and Mandeep Singh tried to rescue Navjot Singh, the accused inflicted injuries to Balwinder Singh and Mandeep Singh as well. Navjot Singh on account of injuries sustained by him fell unconscious. The accused thereafter went away from the spot in their respective vehicles. Navjot Singh was taken to Civil Hospital, Kotkapura from where he was referred to Guru Gobind Singh Medical College, Faridkot, but he succumbed to his injuries. The complainant has alleged that the accused nursed a grudge against the complainant, her son Navjot Singh (deceased) and Mandeep Singh, as they had been pursuing and supporting Balwinder Singh, in the cases pertaining to property, which were pending between Balwinder Singh and Iqbal Kaur. It is alleged that Iqbal Kaur and Sukhi Rajeana had conspired and had connived with Anantdeep Singh and with the help of others, they had murdered her son.

3. Learned counsel for the petitioners submitted that the petitioners have been falsely implicated in the present case and that falsity of the case would be evident from the fact that when the complainant as well as eye-witness Mandeep were examined during the proceedings of trial, they did not support the case of prosecution at all. Learned counsel, in this regard, has drawn the attention of this Court to copies of statements of the said witnesses annexed as Annexure A-1 (in CRM-M-35839-2023). It has additionally been submitted on behalf of the petitioner - Iqbal Kaur (in CRM-M-35028-2023) that she is a lady aged about 64 years and admittedly was not present at the time of occurrence and has been roped in on the allegations of conspiracy, whereas the complainant did not utter a word about any such conspiracy when she stepped into the witness box.
4. Opposing the petition, learned State counsel assisted by learned counsel for the complainant submitted that having regard to the heinous nature of crime and the fact that one more witness namely Balwinder Singh is yet to be examined, it will not be appropriate to release the petitioners on bail at this stage as there is every likelihood that they would influence the said eye witness. Learned State counsel has, however, informed that both the petitioners have been behind bars since the last more than 2 years and 2 months and are otherwise not involved in any other case.
5. During the course of arguments, learned counsel representing the petitioner - Sukhvir Singh @ Sukhi (in CRM-M-35839-2023) stated at the bar that the aforesaid witness namely Balwinder Singh is himself a proclaimed offender and has fled to Australia and is not likely to return back given the fact that he would be arrested having been declared a proclaimed offender. It has further

been pointed out that the proceedings of trial have also been ordered to be stayed by a Coordinate Bench of this Court vide order dated 13.10.2023 passed CRM-M-51965-2023 and which would mean that the petitioner would be subjected to an indefinite incarceration in case not granted bail at this stage.

6. This Court has considered the rival submissions addressed before this Court.
7. It is apposite to briefly refer to the examination-in-chief (Annexure A-1 in CRM-M-35839-2023) of the complainant Surinder Kaur. The said examination-in-chief is reproduced hereinunder:

“PW10 (ON SA)

Statement of Surinder Kaur, aged about 72 years, wife of Gurdarshan Singh, resident of Barkandi Road, Sri Muktsar Sahib.

Stated that I had two sons namely Gaganjot Singh and Novjot Singh. My elder son Gaganjot Singh died due to some disease about 8 years back. My younger son Navjot Singh was doing agriculture work.

On 17.08.2021, I along with my son Navjot Singh and Mandeep Singh our relative were going on a vehicle from Sri Muktsar Sahib to Kotkapura. When we reached near Wara Daraka, some persons came on a vehicle and struck their vehicle with our vehicle. My son Navjot Singh who was driving our vehicle tried to take ahead our vehicle but the same vehicle again restrained our way by taking their vehicle ahead of our vehicle. My son was taken out of the vehicle by the said the unknown persons and started causing injuries on the person of my son Navjot Singh. My son Navjot Singh received multiple injuries. I informed my relative Balwinder Singh on mobile and Balwinder Singh reached on the spot and my injured son was brought to Civil Hospital, Kotkapura from where he was referred to GGS Medical College and Hospital, Faridkot where he succumbed to the injuries caused by unknown person.

When the assailants causing injuries on the person of my son Navjot Singh, I went towards side to save myself and I had not seen the assailants properly. I have seen the accused namely Anantdeep Singh @ Roma, Iqbal Kaur, Sukhvir Singh @ Sukhi, Arbat Singh, Yadwinder Singh @ Pappa, Gurmukh Singh and Didar Singh present in the court and they had not caused injuries to my son nor they were present at the spot at the time of occurrence. My statement was not recorded by the police.

At this stage learned Addl. PP for the State requested that witness is suppressing the truth and is resiling from her previous statement given to the police and she may be declared hostile and necessary permission to CTUSS examine the witness may kindly be granted. Heard. Request allowed.”

8. To a similar effect is the examination-in-chief of PW-11 – Mandeep Singh, who has also refused to identify the accused and has categorically stated that they had not caused injuries to his uncle Navjot Singh (deceased) and were never present at the time of occurrence.
9. Having regard to the aforestated position, wherein the complainant as well as eye-witness Mandeep Singh have totally resiled and have not supported the case of prosecution and also the fact that the petitioners have been behind bars since the last more than 2 years and the proceedings of trial otherwise have been ordered to be stayed by a Coordinate Bench of this Court, no useful purpose would be served by further detaining the petitioners behind bars. Both the petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10. A copy of this order be placed on the file of connected case.

29.11.2023
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No