

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

Neutral Citation No. 2023:PHHC:139949
CRM-M-46633-2023 (O&M)
Reserved on: October 31, 2023
Date of Decision: November 03, 2023

Baljit Singh alias Ballu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: - Mr. Gaurav Verma, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

Mr. Rakesh Dhiman, Advocate for the applicant
in CRM-43629-2023.

DEEPAK GUPTA, J.

By way of this petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.113 dated 02.10.2018, under Sections 302, 201, 34, 397, 411 of IPC and Section 25 of the Arms Act, 1959, registered at Police Station Khanauri, District Sangrur. This is the second petition. The earlier petition bearing No.CRM-M-10359-2023 (O&M) was dismissed as withdrawn vide order dated 19.05.2023 (Annexure P-6).

2. Status report by way of affidavit of Shri Parminder Singh, Deputy Superintendent of Police, Sub-Division Moonak, District Sangrur, along with custody certificate has been filed by the respondent-State.

3. As per prosecution allegations, as revealed from the status report filed by the respondent-State, on 02.10.2018 Krishan Singh, Ex. Sarpanch of village Khanauri, District Sangrur spotted dead body of an unknown person near Ghaggar bridge, Khanauri, tied in clothes, which appeared to have been thrown by some unknown persons with the intention to dispose of the body. Police was informed. FIR was registered

against unknown persons. During investigation, Balwant Singh @ Banta

got recorded his statement as per which, he was conductor of truck bearing registration No. PB-5Q-9829. He identified the dead body to be of one Paramjit Singh, who was the driver on the aforesaid truck. It was disclosed by him that he along with deceased Paramjit Singh had loaded iron ore from Jharkhand for Mandi Gobindgarh, Punjab on 29.09.2018 and had unloaded the truck at Mandi Gobindgarh. On that day, four persons came on a motorcycle, disclosing that they were brokers and that they will get the truck loaded from Koop Kalan, District Sangrur in lieu of commission. Driver Paramjit Singh (deceased) consented to them for the same. Those four persons revealed their identities as Harpinder Singh @ Bhindu, Sarabjit Singh @ Sahib Singh, Mandeep Singh @ Jatinder Singh and Baljit Singh @ Ballu (petitioner) and also exchanged their mobile numbers. It was further disclosed by Balwant Singh @ Banta that after this conversation, he left for Mandi Gobindgarh for his house; whereas Paramjit Singh told him that he will get the truck loaded from Koop Kalan through the aforesaid brokers and will unload the same at Amritsar and will take him (Balwant Singh @ Banta) from his house. Balwant Singh @ Banta told further that later on, he kept on waiting for Paramjit Singh, but he did not come. He later on came to know that some unknown persons had committed robbery of the truck from Paramjit Singh and had killed him near village Khanauri. He suspected petitioner and three others to be involved in the murder of Paramjit Singh.

4. On the basis of aforesaid statement, petitioner and three others, i.e., Harpinder Singh @ Bhindu, Sarabjit Singh @ Sahib Singh,

Mandeep Singh @ Jatinder Singh were nominated on 04.11.2018 and they were identified to be the same persons, who had approached Balwant Singh @ Banta and deceased Paramjit Singh as brokers. The statements of three of them was recorded. As per their disclosure statements, on the intervening night of 01/02.10.2018, they along with petitioner Baljit Singh @ Ballu had murdered Paramjit Singh by firing bullet upon him and had snatched his 18 tyres trolly/truck bearing registration No. PB-05Q-9829 and had further sold the same to one Hanuman Singh S/o Gokal Ram of Narnaul, who runs a truck body repair shop at Narnaul. The said truck/ trolly was recovered from Hanuman Singh under Section 27 of the Evidence Act and he was nominated as an accused and arrested on 14.11.2018. Said Hanuman Singh suffered disclosure statement, as per which petitioner had brought the aforesaid truck/trolly to his workshop on 03.10.2018.

5. After concluding the investigation, Harpinder Singh @ Bhindu, Sarabjit Singh @ Sahib Singh, Mandeep Singh @ Jatinder Singh and Hanuman Singh were challaned. They were tried by the Court, but were acquitted of the charges vide judgment dated 15.11.2022. Petitioner in the meantime was declared proclaimed offender on 19.10.2019, as he was evading his arrest. He was arrested on 07.09.2022 and was identified by Balwant Singh @ Banta as fourth person, who was accompanying Harpinder Singh @ Bhindu, Sarabjit Singh @ Sahib Singh and Mandeep Singh @ Jatinder Singh as brokers. After completion of investigation qua the petitioner, supplementary challan under Section 173(8) Cr.P.C. was

presented on 25.11.2022. Charges were framed on 28.07.2023 and now the case is fixed for 03.11.2023 for prosecution evidence.

6. It is contended by learned counsel for the petitioner that entire case of the prosecution is based upon circumstantial evidence; that no overt act is attributed to the petitioner; that co-accused have already been acquitted by the Trial Court vide judgment dated 15.11.2022 (Annexure P-4); that petitioner was not aware about the present FIR registered against him and having been declared proclaimed offender on 19.10.2019. It is only on his arrest on 07.09.2022 that he came to know about his false implication in this case. Still further, it is contended that there is no evidence to connect the petitioner with the crime, inasmuch as no call details records have been collected to connect the petitioner with the deceased or with the present occurrence. Learned counsel has also drawn attention towards certain observations made in the judgment dated 15.11.2022 (Annexure P-4) qua co-accused, so as to contend that despite number of toll plazas existing on the way from Mandi Gobindgarh to Amritsar and from Amritsar to Koop Kalan having CCTV cameras installed, no CCTV footage was taken into possession. Learned counsel contends further that no recovery is to be effected from the petitioner, who is in custody ever since 07.09.2022 and that trial may take time to conclude. So, in all these circumstances, petitioner be allowed concession of regular bail.

7. Strongly opposing the bail petition, learned State counsel submits that petitioner has been duly identified to be one of the persons

with whom the deceased was last seen. Learned State counsel submits that petitioner cannot take any benefit of the observations made by the Trial Court during trial of co-accused. Still further, it is contended that petitioner evaded arrest for a long period of more than three years and had to be declared proclaimed offender on 19.10.2019 and then arrested on 07.09.2022 and in case, he is granted the benefit of bail, trial may never come to conclusion. By pointing out towards the gravity of the offence, prayer is made for rejecting the bail petition.

8. I have considered submissions of both the sides and have perused the record carefully.

9. Petitioner is specifically named to be one of the persons, who was last seen with the deceased. The case is of course dependent upon circumstantial evidence. Petitioner evaded arrest for long time and was declared proclaimed offender. He cannot be allowed at this stage the benefit of observations made by the Trial Court in the judgment of acquittal qua co-accused.

10. Having regard to all the facts and circumstances of the case as have been discussed above and the gravity of the offence, but without commenting anything on the merits of the case, this Court does not find it a fit case for granting the relief of regular bail.

As such, present petition is dismissed.

November 03, 2023

sarita

(DEEPAK GUPTA)
JUDGE

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