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(224) IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-48614-2023 (O&M)  
Date of Decision: 12.12.2023

GURPREET SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Amandeep Kaur, Advocate with  
Mr. Sandeep Gahlawat, Advocate  
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

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JASJIT SINGH BEDI, J.

This 3<sup>rd</sup> petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.222 dated 03.06.2021 (Annexure P-1) registered under Section 346 IPC, (Sections 365, 302, 201, 395, 420, 482, 379, 411, 120-B and 34 IPC added later on) at Police Station Sohana, District Mohali.

2. The present FIR came to be registered on the basis of the statement of the complainant-Rakesh Sondhi who stated that his son Varun Sondhi who was with working with a property dealer and had left home on 01.06.2021 could not be traced.

Initially, the FIR had been registered under Section 346 IPC. Thereafter, on 09.06.2021, the police received information that the dead body of an unknown person had been found on 06.06.2021 near the SYL Canal within the jurisdiction of P.S. Banur and was lying in the mortuary of the A.P. Jain Civil Hospital, Rajpura. The complainant and his brother Ashwani

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Sondhi reached the spot and identified the dead body has been that of Varun Sondhi.

On the same day, the complainant made a statement to the police that in fact his son had been murdered by some unknown persons and had also taken away his car bearing Registration No.PB-11-AE-0007 along with mobile phone and cash. Based on the said supplementary statement, offences under Sections 365, 302, 201, 34 IPC came to be added.

On 22.06.2021, accused Binder Singh, Gupreet Singh (petitioner), Ravinder Singh @ Ravi, Kuldeep Singh and Gurdeep Singh @ Gaggi were arrested along with a car on which a fake Registration No.HR-03-N-7685 was affixed. On a search of the car, the insurance cover of a car bearing Registration No.PB-11-AE-0007 belonging to the deceased Varun Sondhi and one traffic challan dated 27.04.2021 were recovered. The offences under Sections 420, 473 IPC were added for the fake registration number. During investigation, the offence under Section 201 IPC was also added. Subsequently, Section 473 IPC was deleted and Section 482 IPC was added.

During further investigation, the petitioner/accused Gurpreet Singh got recovered a motorcycle bearing Registration No.PB-65-AE-0628. Gurdeep Singh @ Gaggi got recovered one motorcycle bearing Registration No.PB-08-CV-4936. Accused Ravinder @ Ravi got recovered a motorcycle bearing Registration No.CH-01-BR-1070. Accused Kuldeep Singh got recovered one motorcycle bearing Registration No.HR-01-AJ-0325 and one Activa bearing Registration No.HR-01-AL-0728.

On 24.06.2021, accused Kuldeep Singh got recovered the Iphone of the deceased Varun Sondhi. Accused Gurdeep Singh @ Gaggi got

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recovered one gold ring whereas accused Binder Singh got recovered one silver chain along with a locket. Accused Ravinder @ Ravi got recovered one black colour wallet, driving licence and debit card of the deceased. The accused also got recovered the number plates of the car having Registration No.HR-03-N-7685 from Sunil Kumar.

During investigation, Jai Sudesh Sharma wife of Ashok Kumar got recorded a statement under Section 161 Cr.P.C. She stated that the registration number of the Activa PB-65-CA-8957 was actually fake and its actual registration number was No.UP-11-AV-6364 which had been stolen on 15.06.2021 from Zirakpur. Accordingly, the offences under Sections 379, 411 IPC was added.

3. The learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. Though, the boy went missing on 01.06.2021, the FIR came to be recorded under Section 346 IPC on 03.06.2021 alone. When the body was found to be that of the deceased on 09.06.2021, the complainant had made a supplementary statement but no name of any accused was forthcoming in the said statement. As the case was based on circumstantial evidence, after more than one year of the filing of the report under Section 173(2) Cr.P.C., a supplementary challan under Section 173(8) Cr.P.C. was submitted on 21.09.2022 whereby two more witnesses to the occurrence were introduced. The introduction on the said witnesses as eye-witnesses/witnesses of last seen was to fill up the lacuna and to connect the accused with the commission of the offence. As the petitioner was in custody since 22.06.2021 and only 12 of the 33 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be

concluded anytime soon and therefore, he was entitled to the concession of bail.

4. On the other hand, the learned State counsel contends that this is the third bail petition filed by the petitioner. Both the earlier bail petitions were argued at length and as the Court was not inclined to grant bail, the said petitions had been withdrawn. There were no significant change in circumstances warranting grant of bail to the petitioner. As per the prosecution case, the petitioner and his co-accused were found travelling in a car belonging to the deceased. In fact, the petitioner was the driver of the same. There was absolutely no explanation coming forthcoming as to how the petitioner and his co-accused came into possession of a vehicle belonging to the deceased. Various articles belonging to the deceased had been recovered from the accused. Be that as it may, as 12 of the 33 prosecution witnesses had been examined so far, the Trial of the present case was likely to be concluded soon and therefore, no case for the grant of regular bail was made out.

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

6. Admittedly, this is the third bail applications of the petitioner without any change in circumstances. As per the case of the prosecution, the petitioner was found driving the vehicle belonging to the deceased by affixing a fake number plate on it. There is other evidence of recoveries and of last seen evidence. Therefore, at this stage, it cannot be said that the petitioner could not be connected with the commission of the offence in question. Further, 12 of the 33 prosecution witnesses have been examined so far. Therefore, the Trial of the present case would be concluded in the near future.

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7. In view of the aforementioned discussion, I find no merit in the present petition. Therefore, the same stands dismissed.
8. However, the observations made hereinabove are only for the purposes of deciding this bail petition and the Trial Court is free to adjudicate upon the matter on the basis of the evidence led before it uninfluenced by any such observations made herein.

(JASJIT SINGH BEDI)  
JUDGE

12.12.2023

JITESH

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