

225

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

CRM-M-54800-2022

Date of Decision: 16.03.2023

VIPANJEET SINGH @ ABHI

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. P.K. Ganga, Advocate
for the petitioner.

Mr. Harjinder S. Sidhu, A.A.G., Punjab.

HARSH BUNGER, J.

The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to petitioner namely, Vipanjeet Singh @ Abhi, in case FIR No.72 dated 16.05.2022 (Annexure P-1), registered under Section 302 read with Section 34 of the Indian Penal Code (subsequently added Section 120-B IPC), at Police Station City Khanna, District Ludhiana.

Succinctly, the above said case FIR was registered on the statement of one Baldev Singh son of SimarSingh resident of Village Manki, Police Station Samrala, District Ludhiana, who stated that he has three children i.e. two sons and one daughter. His elder son and the daughter are married and the son younger to them namely, Ranyodh Singh (aged about 22 years), who, after passing out his degree in Bachelor of Arts, was doing service in ICICI Bank, G.T. Road, Khanna for about 1½ month. On 16.05.2022, at about 11:30 a.m., he had gone to Khanna City on his

motorcycle. At about 12:30 p.m., wife of the complainant namely, Tejpal Kaur received a phone call of one person from the mobile phone of his son namely, Ranyodh Singh that his mobile phone has been found and she may collect his phone after coming at Jarag Chowk, Khanna. The wife of the complainant informed about this phone call to the complainant and then the complainant along with two friends of his son/neighbourers namely, Sukhwinder Singh son of Ram Dass and Sukhwinder Singh son of Bhola Singh, reached Jarag Chowk, Khanna; however, said person could not be traced. Thereafter, when they left for their house then on the way, another phone call was received on the mobile phone of Sukhwinder Singh son of Ram Dass that Ranyodh Singh had sustained multiple injuries, who was lying in the fields of *maize* on the road leading towards Majri from Rahon and they were asked to come and take him away as his condition was deteriorated, whereupon, the complainant along with others reached the spot and saw that his son had sustained number of injuries on his head, back and arms. However, on asking, he disclosed that un-identified persons had given him a lot of beatings. Thereafter, they made his son sit on the motor-cycle and got him admitted at Civil Hospital, Khanna, for treatment and since, the condition of his son was getting deteriorated, the doctor referred him to Rajindra Hospital, Patiala, where, he succumbed during the treatment. Accordingly, it was stated that the death of his son had taken place on account of beatings by un-identified persons and he sought legal action. Accordingly, the above said case FIR was registered against 4-5 un-known persons.

A perusal of the paper book (especially the challan attached as Annexure P-2) would reveal that during the course of investigation of the

case, on 19.05.2022, elder brother of deceased-Ranyodh Singh namely, Randhir Singh son of Baldev Singh, got recorded his statement with the police that he has conducted enquiry at his own level from which, he has come to know that one Hardeep Kaur wife of Baljinder Singh, in connivance with her both sons namely, Kiranpreet Singh and Jashanpreet Singh (who is doing service in Army) in a pre-planned conspiracy along with two other persons have committed the murder of his brother-Ranyodh Singh. Accordingly, Hardeep Kaur, Jashanpreet Singh and Kiranpreet Singh, were nominated as accused in this case and offence under Section 120-B of the Indian Penal Code, was also added. A perusal of the challan further reveals that subsequently, on the basis of a secret information, Hardeep Kaur was apprehended with the help of a lady constable, who was made to join the investigation and was subsequently arrested. During interrogation, Hardeep Kaur made a disclosure statement that her son, after giving beatings to deceased Ranyodh Singh, took the deceased on his motor cycle from the house and threw him in the *maize* field in the area of Rahon and she was talking to Ranyodh Singh (now deceased) on her mobile (make Samsung of skin colour), which she has concealed in a room of her house. Thereafter, her disclosure statement under Section 27 of the Evidence Act was recorded. Thereafter, Hardeep Kaur got recovered the concealed motor cycle bearing Registration No.PB-52-A-0867 and mobile phone (make Samsung of skin colour), which were taken into possession by the police. From the challan, it is further revealed that on a subsequent another secret information, Karanpreet Singh son of Baljinder Singh was also apprehended and after finding sufficient evidence against him, he was arrested. During interrogation, Karanpreet Singh told that they, with the help of Abhi

(petitioner) son of Chhinder Singh, have thrown Ranyodh Singh in the *maize* filed at Village Rahon. Accordingly, Abhi (petitioner) was nominated as an accused in the present case. The challan further reveals that one Kulwinder Singh son of Dharam Singh resident of Village ChakMafi, Police Station Samrala, District Ludhiana, produced Vipanjeet Singh @ Abhi (petitioner), on which, the petitioner was joined in the investigation and was subsequently arrested vide separate memo of arrest. The challan also reflects that Karanpreet Singh @ Shavi, was also interrogated, who disclosed during the course of interrogation that on dated 15.05.2022, he and his brother Jashanpreet Singh gave severe beatings to deceased-Ranyodh Singh, with *danda* in their house and he had kept concealed the said *danda* in his house and he can get the same recovered on his demarcation. Accordingly, his disclosure statement was also recorded under Section 27 of the Evidence Act and subsequently, he got recovered mobile phone as well as *danda*. The *danda* is stated to have been got recovered from the old constructed room in his residential house. Thereafter, the petitioner applied for regular bail before the Court of learned Additional Sessions Judge, Ludhiana; however, the same was rejected vide order dated 19.10.2022 (Annexure P-6). Accordingly, the present petition has been filed before this Court seeking regular bail.

Status report by way of an affidavit on behalf of Sh. William Jeji (PPS), Deputy Superintendent of Police, Khanna, Police District Khanna, District Ludhiana, on behalf of respondent-State of Punjab has been filed, which is already on record.

Learned counsel for the petitioner has submitted that the petitioner has not been named in the FIR and he has been nominated as an

accused in this case on the basis of disclosure statement of co-accused (Karanpreet Singh), which is otherwise inadmissible in the absence of any other corroborative evidence. There is no independent witness joined at the time of interrogation of the co-accused. It is submitted that no role has been attributed to the petitioner. Learned counsel submitted that the investigation in this case qua the petitioner is complete and the challan stands presented. He further submitted that even the charges have been framed in this case. Learned counsel also submits that there is no eye-witness to the alleged occurrence and the body of the deceased was found from the fields and the petitioner was neither present at the spot nor there is any link or chain of evidence to connect him with the alleged occurrence. Even the complainant has not raised any allegation regarding the involvement of the petitioner. Learned counsel for the petitioner has also submitted that the veracity and the evidentiary value of the disclosure statement shall be a moot point during the trial of the case. Learned counsel contends that the petitioner is a young boy and is a student of Department of Technical Education and Industrial Training and due to the false involvement in the present case, his whole career will be ruined. He submits that the petitioner has been in custody since 22.05.2022 and along with challan, there is a list of 22 prosecution witness and the trial is likely to take long time. He submits that the case is based on circumstantial evidence and despite filing of challan, no motive has been attributed for showing complicity of petitioner in this case. The petitioner is ready to abide by all the conditions as may be imposed by this Court or by the trial Court. Accordingly prayer for grant of regular bail is made.

Per contra, learned State counsel has opposed the prayer of the petitioner for grant of regular bail on the ground of seriousness of offence and submitted that there is sufficient evidence against the petitioner as the co-accused/Jashanpreet Singh, with the help of the petitioner had thrown the deceased in the *maize* crops. However, while referring to the status report, it is not denied that there is no eye-witness of this case. It is also not disputed that the investigation in the case is complete; challan has been presented and even the charges have been framed.

I have heard learned counsel for the parties; perused the paper book; status report filed as well as the custody certificate of the petitioner handed over by learned State counsel, in Court today.

In the instant case, concededly the FIR was registered against un-known persons. The name of the petitioner is not mentioned in the FIR nor any specific role or particular injury is attributed to him in the FIR. The petitioner has been nominated as accused on the basis of disclosure statement of his other co-accused/Karanpreet Singh @ Shavi.

What is the evidentiary value and admissibility of such disclosure statement of co-accused against the petitioner, *inter alia*, would be a moot point, to be decided during the course of trial by the trial Court.

This is a case of circumstantial evidence. The petitioner is a young boy of around 21 years of age and he was produced by one Kulwinder Singh and thereafter, he was arrested on 22.05.2022 and since then, he is in judicial custody. Learned State counsel has not disputed the fact that the investigation against the petitioner is complete and even challan stands presented and charges have also been framed. The trial, as such, would take time to conclude. The petitioner is in custody for the last more

than nine months. There is no history of petitioner's previous involvement in any other criminal case.

It is well settled that speedy trial is a legal right of the accused and delay in trial has been held to be in violation of the right guaranteed under Article 21 of the Constitution of India. In *ManoranjanaSingh @ Gupta vs Central Bureau of Investigation 2017(5) SCC 218*, Hon'ble Apex Court has held that the object of bail is to secure the attendance of the accused in the trial and the proper test to be applied in the solution of the question whether bail should be granted or refused or whether it is probable that the party will appear to take its trial. Otherwise also, a normal rule is of bail and not jail.

In view of above discussion and without making any observations on merits, petitioner (Vipanjeet Singh @ Abhi) is ordered to be released on bail subject to his furnishing adequate bail/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate concerned. However, at the time of his release, the concerned Station House Officer be informed and the petitioner shall inform the concerned Station House Officer about his address at which he intends to reside during the pendency of the case and any change in the address shall be communicated to the concerned Station House Officer, forthwith. The petitioner would also furnish his telephone number to the concerned Station House Officer. He shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing that he is not involved in any other crime other than the case(s) mentioned in the present order.

In addition, the petitioner (or any one on his behalf) shall prepare a Fixed Deposit Receipt (FDR) in the sum of Rs.50,000/- 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 unless specifically exempted by the trial Court.

Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

The petition is accordingly disposed of.

March 16, 2023
gurpreet

(HARSH BUNGER)
JUDGE

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