

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

[Date of Decision: July 19, 2023]

1.

CRM-M-59376-2022

Sarabjit Singh @ Saba

...Petitioner

Versus

State of Punjab

...Respondent
2.

CRM-M-58743-2022

Karanveer Singh

...Petitioner

Versus

State of Punjab and another

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: - Mr. A.S. Manaise. Advocate for
Mr. G.P.S. Randhawa, Advocate for the petitioner.

Mr. R.S. Khaira, DAG, Punjab.

Mr. M.K. Dogra, Advocate for the complainant.

DEEPAK GUPTA, J.
Prayer in both the petitions titled above, filed under Section 439 Cr.P.C, is to grant regular bail in case FIR No.5 dated 18.02.2021, registered at Police Station GRP Pathankot, Police District Govt. Railway Police Pathankot, District Gurdaspur, under Sections 302, 379, 411, 404, 201, 120-B, 34 IPC.

2. As per prosecution version, complainant Mohan Lal along with his wife had left for Mukerian on 14.02.2021 at about 4 p.m. On that day, his wife had a talk on the mobile of their son Vishal (since deceased). Their younger son, namely, Rajan had also seen their son Vishal going on

@ Sarabjit Singh (petitioner in CRM-M-59376-2022). However, Vishal did not return nor answered the call. Missing report was lodged with the police on 15.02.2021. In the evening of 15.02.2021, complainant received information from the police that motorcycle bearing registration No. PB-06-AN-0709 had been found at railway track near village Paniar. Complainant went there and identified the motorcycle. He was informed by in-charge Police Post that in the night of 14.02.2021, one injured boy found from the railway track, had been admitted in the Civil Hospital, Gurdaspur, who had died during treatment at about 2 a.m. on the intervening night of 14-15.02.2021. Complainant reached there and identified the dead body of his son Vishal. Complainant then got recorded his statement to the police, as per which he had been informed by his son Vishal on 13.02.2021 about a quarrel with Karanveer Singh (petitioner in CRM-M-58743-2022), resident of Hanuman Chowk and his three friends, who had chased him taking *datar* in their hands and regarding which Karanveer Singh had made a complaint to the police on the same day. It was alleged by the complainant that on 14.02.2021, his son had been taken by Saba @ Sarabjit Singh on the railway track, where he along with his associates had committed murder of Vishal by pushing him under the train. The motive was to avenge the quarrel, which had taken place on 13.02.2021.

3. Both the accused Sarabjit Singh @ Saba and Karanveer Singh (petitioners herein) were arrested on 09.09.2022 and 12.09.2022 respectively. It emerged in their disclosure statement that deceased Vishal was keeping bad eye on the sister of Karanveer Singh, due to which on 13.02.2021, Vishal with some persons had attacked the house of Karanveer Singh, who wanted to take revenge from Vishal. Said

Karanveer then conspired with Sarabjit Singh @ Saba to give money to him for consumption of drugs for committing the murder of Vishal.

4. On the application of mother of the petitioner, investigation was conducted by the Superintendent of Police, Investigation, GRP, Punjab, who found the two petitioners innocent under Section 302 IPC, although Sections 403, 406 and 201 IPC were added. However, the said report was not accepted by the ADGP, GRP, Punjab, who entrusted the matter to the DIG, GRP, Punjab. It was found that mobile of the deceased had been sold by accused Sarabjit Singh @ Saba (petitioner) to co-accused Tarun Kumar. Since deceased had left with Sarabjit Singh @ Saba, said Sarabjit Singh @ Saba did not inform the family members of Vishal. It was further found that there was no railway crossing where the dead body was found. It was also observed that in case, railway accident had taken place, then mobile of deceased Vishal must have been damaged and so how it came in possession of Sarabjit Singh @ Saba, who sold it to Tarun Kumar. After obtaining legal opinion from the District Attorney on the report submitted by the DIG, GRP, Punjab, offences under Sections 302, 379, 411, 404, 201, 120-B IPC were added; whereas offences under Sections 403 and 406 were deleted.

5. It is submitted on behalf of petitioner Sarabjit Singh @ Saba that he has been falsely implicated; that he was found innocent during inquiry conducted by the Superintendent of Police, Investigation, GRP, Punjab; that no recovery was effected from him; that injuries on the person of deceased were caused by the rail accident; that investigation is also complete and trial may take time to conclude and so, he be allowed bail, being in custody since 09.09.2022.

that he has been arrested only on the basis of suspicion to the effect that on his instructions to Sarabjit Singh, Vishal has been murdered. It is contended that petitioner and co-accused Sarabjit Singh had never met each other and that they have been found innocent during inquiry.

7. Strongly opposing the bail petition, learned State counsel has drawn attention towards the conclusion drawn in the inquiry conducted by the DIG, GRP, Punjab. Learned State counsel submits that it is petitioner Sarabjit Singh @ Saba with whom deceased was last seen. It is petitioner Sarabjit Singh @ Saba, who was found to have sold the mobile of deceased to co-accused Tarun Kumar. Learned State counsel submits that there is strong circumstantial evidence against petitioner Sarabjit Singh @ Saba because in case, it was a rail accident, petitioner Sarabjit Singh @ Saba, who had accompanied the deceased, must have told the family members of the deceased and in that eventuality, mobile of the deceased should have also been broken in the rail accident.

8. Regarding role of petitioner Karanveer Singh, it is contended that said Karanveer wanted to take revenge from deceased Vishal on account of quarrel, which had taken place on 13.02.2021 and therefore, he allured co-accused Sarabjit Singh @ Saba by money to purchase drugs and it is with his conspiracy that Vishal was murdered.

9. I have considered the submissions of learned counsel for both petitioners as well as learned State counsel and have perused the record.

10. As far as petitioner Sarabjit Singh @ Saba is concerned, there is strong circumstantial evidence against him. It is said petitioner, with whom deceased was last seen. He is found to have sold the mobile

occurred due to the injuries sustained in the rail accident, his mobile must have been broken and in that eventuality, how the mobile phone of the deceased came in possession of said petitioner Sarabjit Singh @ Saba, who further sold it to Tarun Kumar. Further, why he did not inform the family members of deceased Vishal, in case any rail accident had taken place.

11. Having regard to all the aforesaid facts and circumstances and the nature and gravity of the offence, but without commenting anything on the merits of the case, petitioner Sarabjit Singh @ Saba is held to be not entitled to grant of regular bail. As such, petition bearing CRM-M-59376-2022 is hereby dismissed.

12. As far as petitioner Karanveer Singh is concerned, it is he, who had made the complaint regarding the occurrence of 13.02.2021. Except for the disclosure statement of co-accused Sarabjit Singh @ Saba to the effect that he had conspired with Sarabjit Singh @ Saba, there is nothing at this stage against him, as per the police report. It is not the allegation of the prosecution that petitioner Karanveer Singh was found to be accompanying the deceased at the time of crime.

13. Having regard to the aforesaid facts and circumstances, but without commenting anything on the merits of the case, petitioner Karanveer Singh is admitted to bail and is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned. As such, petition bearing CRM-M-58743-2022 is hereby allowed.

July 19, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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