

CRM-M-58859-2023

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

CRM-M-58859-2023
Date of decision : 28.11.2023

JASPREET SINGH @ JASSI

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Parampreet S. Paul, Advocate
for the petitioner.

Mr. Jaswinder S. Arora, DAG, Punjab with
HC Harjinder Singh.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.129 dated 05.07.2023 registered for the offences punishable under Sections 365, 302, 201, 149 of the IPC at Police Station City Rupnagar, District Rupnagar.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. As per the contents of the FIR it has been alleged as under :

“xx I am resident of above said address and doing private job in Maharashtra. I have two sons, elder son Harpreet Singh aged about 29 years, who has passed B.A. and was not doing any job at present. On 22.06.2023 at about 06 P.M. my son Harpreet Singh, like daily routine, had gone from the house for walk in

RanjitBagh Rupnagar, but did not come back in the house. We searched for him on our own level but due could not find him nor there is any clue about him, I had got registered DDR No.18 on 01.07.2023 in the police station City Rupnagar regarding missing of my son. I have doubt that my son Harpreet Singh has been kidnapped by Ravinder Kumar son of Diwan Chand, his son Lalit Kumar residents of village Udhnewal, Police Station Sadar Balachaur, District Nawan Shahar, Jugraj Singh alias Jara resident of Jagatpur Police Station Balachaur, District NawanShahar, Abdul Khan alias Rami resident of village Daadi Police Station Kiratpur Sahib, District Rupnagar and their some other unknown companions and they have kept him detained illegally. Due legal action may be taken against them and my son may be got recovered from them.xxx”

4. The precise occurrence and the role of the present petitioner have been spelled out in the police investigation as reproduced in the orders passed by the Courts below, which read as under :

“4. During investigation accused Ravinder Kumar and Lalit Kumar were arrested on 5.7.2023. Their medical examination was got conducted from Civil Hospital, Rupnagar. During interrogation disclosure statement of accused Lalit Kumar was recorded in which he stated that in the intervening night of 22/23.6.2023, he along with Harpreet Singh, Jugraj Singh @ Zara, Harish Kumar and Abdul Khan @ Rami had gone on tour to Nangal, Una (HP). Harpreet Singh and Abdul Khan @ Rami had taken some intoxicant. Due to over dose of intoxicant Harpreet Singh fell down and died. They threw the dead body of Harpreet Singh in the bushes on the bank of Sutlej river in the area of village Barri Haveli Kalan, Police Station Rupnagar. As per disclosure statement accused Lalkit Kumar got recovered dead body of Harpreet Singh from the bushes on bank of Sutlej river and the same was taken into police possession by preparing

memo in this regard. Site plan of place of recovery of dead body of deceased Harpreet Singh was prepared. Form No.25.35(1) was prepared. Statements of witnesses under Section 175 Cr.P.C. were recorded. Postmortem of deceased Harpreet Singh was got conducted and after post-mortem examination dead body was handed over to the relatives. Parcels containing viscera and clothes of deceased, were received from the doctor and were taken into possession by preparing memo.

Supplementary statement of complainant was recorded. On 9.7.2023, accused Lalit Kumar suffered another disclosure statement that he along with Jugraj Singh @ Zara and Harish Kumar took the dead body of Harpreet Singh to the house of Harish Kumar at village Buraj, Police Station Balachaur in a Thar vehicle bearing No.PB-32-Y-0074. Harish Kumar made a phone call to his friend Jassa @ Jassi resident of village Sadhra, Police Station Sadar Balachaur and told him to bring his car. After sometime Jassa @ Jassi came to the house of Harish Kumar at village Burj in his car Make Ascent bearing registration No.PB-08-AS-0022. They put the dead body of Harpreet Singh in the dickey of the car and took it near Rupnagar and threw in the bushes on the bank of Sutlej river.

On 25.09.2023, accused/applicant Jaspreet Singh @ Jassi was arrested. Disclosure statement of accused Jaspreet Singh @ Jassi was recorded. Accused Jaspreet Singh @ Jassi got recovered car bearing No.PB-08-AS-0022 and the same was taken into possession. Accused Jugraj Singh @ Jara, Abdul Khan @ Rammi and Harish Kumar are yet to be arrested. Vehicle Thar bearing No.PB-32-Y-0074 is also yet to be recovered. Challan against accused Lalit Kumar, Ravinder Kumar and Jaspreet Singh @ Jassi has been presented before the court of learned Ilaqa Magistrate.”

5. Referring to the aforesaid, counsel for the petitioner submits that even if the same is taken to be a gospel truth the same would only

constitute offence punishable under Section 201 IPC *qua* the petitioner as admittedly he never accompanied the deceased and was called by co-accused Lalit Kumar only. Petitioner is behind bars for about 2 months. Investigation already stands concluded and challan stands presented. Thus, there can't be any apprehension that the petitioner shall tamper with the evidence.

6. State Counsel does not dispute the aforesaid factual assertion made by counsel for the petitioner based on record. However, he submits that apart from the present case, the petitioner is involved in another FIR and thus he does not entitle to be released on bail.

7. Faced with the situation counsel for the petitioner relies upon **'Prabhakar Tewari vs. State of UP and another', 2020 (1) RCR (Criminal) 831** to submit that the involvement of the petitioner in several more cases cannot be a ground to deny bail. Further reliance has been placed upon **'Maulana Mohd. Amir Rashadi vs. State of UP (SC)', (2012) 2 SCC 382.**

8. Having heard rival contentions of the parties and after going through records of the case, without commenting on the merits thereof, keeping in view the incarceration already suffered by the petitioner and the fact that the investigation already stands concluded and Challan stands presented, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

November 28, 2023	(Pankaj Jain)
Dpr	Judge
Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No