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

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CRM-M-61814-2023

Date of decision : 14.12.2023

Bahadur Singh**..... Petitioner**

versus

State of Punjab**..... Respondent****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Aminder Singh, Advocate
for the petitioner.

Mr. Jaswinder Singh Arora, DAG, Punjab
with ASI Gurbachan Singh.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.92 dated 25.11.2022, registered for the offences punishable under Sections 302, 201 and 120-B of IPC at Police Station Cheema, District Sangrur.
2. The FIR was registered on the basis of secret information received claiming as under:-

“XX XX XX one informer approaches us regarding the complaint of Rajji Kaur. Sometimes back Rajji Kaur @ Jasveer Kaur wife of Amrik Singh made a false complaint regarding disappearance of her husband Amrik Singh @ Roshni @ Kala. Actually on 27.10.2022 Rajji Kaur conspired with her lover Surjit Singh and killed Amrik Singh and mutilated his body. Information is reliable. Necessary legal action be taken against the accused person. All the necessary information has

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been sent to District Headquarter for further legal action XXXXX”

3. As per prosecution, after receiving information, statement of Pamma Singh-brother of the deceased was recorded on 25.11.2022 which reads as under:-

“xx xx xx I stated that I am a resident of the said address. I do labour work. We are three brothers. The eldest is Raju Singh and the younger one is Amrik Singh and the youngest one is me. Today you arrived at the house of my brother Amrik Singh alias Roshni and informed me about the situation of the case. Two days after Diwali on the night of 27.10.2022 my brother Amrik Singh and his wife Rajji Kaur alias Jasvir Kaur were present at their home and both of them had quarrel that night. But I did not go to their house to stop them from arguing because they use to quarrel with each other frequently. That night Surjit Singh alias Bagga son of Nachattar Singh alias Bhappa of our village came there. On that day Amrik Singh was wearing firozi coloured t-shirt and blue lower. After that I did not see my brother Amrik Singh.”

4. On 26.11.2022, main accused Rajji Kaur @ Jasveer Kaur wife of Amrik Singh and Surjit Singh @ Bagga Singh son of Nachattar Singh are claimed to have been arrested and it is being claimed that on 26.11.2022, Rajji Kaur suffered disclosure admitting her guilt to the following effect:-

“I along with my boyfriend Surjit Singh alias Bagga Singh son of Nachattar Singh alias Bhappa resident of Bakshiwala in a conspiracy received sleeping pills from one unknown person in order to

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make my husband Amrik Singh alias Roshni alias Kala unconscious mixed the tablets in his chicken dish which was consumed by him. Then I called Surjit Singh alias Bagga Singh son of Nachattar Singh alias Bhappa resident of Bakshiwala called him inside my house who was roaming outside in our street. Both of us jointly, firstly I tied legs of my husband with my red dupatta and then my boyfriend Surjit Singh alias Bagga tied my husband's mouth with orange colour cloth (parna) and his arms with black colour cloth (parna). Both of us in order to kill my husband Amrik Singh and for hiding him we threw him in unconscious condition in a 25 feet deep pit present in our house and we filled the pit with soil to half in the night and then my boyfriend Surjit Singh left our house. Next day early in the morning I filled the remaining pit with the soil. The place where we buried my husband in order to kill him is only known to me and my boyfriend Surjit Singh alias Bagga. I after demarcating the spot can make the body of my husband Amrik Singh alias Roshni alias Kala recovered. Whose statement was recorded under section 27 of the Evidence Act.”

5. It is being claimed that the pills that were administered to the deceased by Rajji Kaur were procured from the present petitioner as per her statement. Reliance is being placed upon disclosure on 01.12.2022, which reads as under:-

“I Inspector the accused Rajji Kaur in above mentioned case from the supervision of lady constable Manpreet Sharma 11442/SG and other officials took out from the police lockup and interrogated about the unknown person who

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brought the sleeping pills who during the interrogation informed me that around 2 months before Diwali, I asked Bahadur Singh son of Krishan Singh resident of Bakshiwala to get 5 sleeping pills, who got me 5 pink coloured loose tablets, which I mixed in the dal with an intention to kill my husband Amrik Singh and made him consume it but those pills had no effect. That is why I again in order to kill my husband Amrik Singh, about 15 days before Diwali in preplanned conspiracy with abovesaid Bahadur Singh asked to get sleeping/narcotic pills. Who this time got me 10 loose white coloured sleeping/narcotic pills about 15 days before Diwali, which I on evening of date 27.10.2022 dissolved 10 tablets with some water in a bowl and then mixed the chicken dish in it and served it to my husband Amrik Singh with rotis with an intention to kill him. He got unconscious after that, after that I along with my boyfriend Surjit Singh alias Bagga son of Nachattar Singh alias Bhappa resident of Bakshiwala in conspiracy with an intention to kill him, and hiding his body, threw him in an unconscious state in 25 feet deep pit excavated in our house. I and my boyfriend abovesaid Surjit Singh alias Bagga have told you about that place and got the body recovered. I know Bahadur Singh for a long time, I also used to tell him about the beating given to me by my husband. Who got me these sleeping/narcotic pills and got my work easy for me.”

6. Counsel for the petitioner submits that even if whole of the case of the prosecution is taken on its face value, the same does not suggest that there was meeting of minds to commit offence. The

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petitioner had no motive. The motive if at all is attributable to the main accused namely Rajji Kaur as well as Surjit Singh @ Bagga Singh, there is no evidence to suggest that even in case the petitioner was source of the pills, he knew with respect to user thereof.

7. Petitioner is stated to be behind bars since 19.01.2023. Investigation already stands concluded. Challan stands presented.

8. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

9. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

14.12.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No