

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-62060-2023 (O&M)
Date of Decision: 15.12.2023

Gurmukh Singh*Petitioner*

Versus

State of Punjab*Respondent*

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Amaninder Singh Sekhon,
Advocate, for the petitioner.

Ms. Anju Sharma Kaushik, DAG, Punjab,
assisted by ASI Bhupinder Singh.

FIR No.	Dated	Police Station	Section/s
124	17.08.2021	Sadar Kotkapura, District Faridkot	Sections 302, 307, 341, 427, 506, 148, 149, 120B IPC (Sections 323/324 IPC added later on) and Sections 25/27/54/59 of the Arms Act

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of regular bail in respect of aforementioned FIR.
2. The matter pertains to murder of Navjot Singh. The FIR in question was lodged at the instance of Surinder Kaur, mother of deceased, wherein she has stated that that her ‘*Nanad*’ (husband’s sister) namely Gurjinder Kaur was married to Balwinder Singh. However, said Gurjinder Kaur expired in the year 1996 and after her death, Balwinder Singh started residing with Iqbal

Kaur as her husband. Later, a dispute arose amongst them (Iqbal Kaur and Balwinder Singh) over money and property as a result of which Balwinder Singh and Iqbal Kaur started residing separately and some litigation was also pending amongst them. It is alleged that Iqbal Kaur with the help of her 'Jija' (sister's husband) namely Anantdeep Singh took possession of Balwinder Singh's house regarding which Balwinder Singh got a case registered at Police Station NRI, Moga. It is alleged that on 17.08.2021, in order to pursue the said case of Balwinder Singh, she (complainant) alongwith Balwinder Singh, her son Navjot Singh @ Navi and one of their relatives Mandeep Singh @ Babbu proceeded from Sri Muktsar Sahib to Moga, in their car bearing registration No.DL-10-CF-0120. While they were on their way, a black coloured 'Scorpio' vehicle, two 'Thar' vehicles, one 'Innova' vehicle and one more vehicle tried to surround their car. The complainant's son, who was driving the car, took the car towards a narrow link road and on account of the narrow road the vehicles following them could not overtake them, but the Scorpio vehicle following their car kept on banging into rear of their car and also started firing upon them with an intention to kill them. However, when they (complainant party) approached the main road, the said vehicles were able to surround their car. It is alleged that Anantdeep Singh @ Roma, who was armed with a rod alongwith 15/20 unidentified persons alighted from the said vehicles carrying hockey sticks, baseball bats, rods, swords etc. Anantdeep Singh pulled out complainant's son Navjot Singh @ Navi from the car and exhorted his companions to teach him a lesson for not giving land to his sister-in-law Iqbal Kaur. Anantdeep Singh gave several blows with the help of rod on legs and arms of the complainant's son. The other persons also inflicted injuries to the

complainant's son with their respective weapons and also fired shots. It is alleged that when complainant's brother-in-law Balwinder Singh and Mandeep Singh tried to rescue Navjot Singh, the accused inflicted injuries to Balwinder Singh and Mandeep Singh as well. Navjot Singh on account of injuries sustained by him fell unconscious. The accused thereafter went away from the spot in their respective vehicles. Navjot Singh was taken to Civil Hospital, Kotkapura from where he was referred to Guru Gobind Singh Medical College, Faridkot, but he succumbed to his injuries. The complainant has alleged that the accused nursed a grudge against the complainant, her son Navjot Singh (deceased) and Mandeep Singh, as they had been pursuing and supporting Balwinder Singh, in the cases pertaining to property, which were pending between Balwinder Singh and Iqbal Kaur. It is alleged that Iqbal Kaur and Sukhi Rajeara had conspired and had connived with Anantdeep Singh and with the help of others, they had murdered her son.

3. Learned counsel for the petitioner submitted that the petitioner is nowhere named in the FIR and came to be nominated falsely on the basis of a supplementary statement made by Balwinder Singh on 25.08.2021, wherein he stated that he had now come to know that the petitioner (Gurmukh Singh) had conducted '*recce*' alongwith co-accused Harpreet Singh and Manpreet Singh. Learned counsel has further submitted that apart from the said evidence, the police claims to have collected some CCTV footages from a camera installed at Green Dhaba, Kotkapura, wherein the petitioner is stated to be seen with some co-accused and that the said evidence even if accepted would show that the petitioner had never participated in the occurrence at the spot. It has further been submitted that since some of the co-accused,

namely, Iqbal Kaur and Sukhvir Singh @ Sukhi have already been granted bail by this Court vide order dated 29.11.2023 (Annexure P-8), as the complainant herself had resiled when she stepped into the witness-box, the petitioner also deserves the same relief on grounds of parity.

4. Opposing the petition, learned State counsel has submitted that the petitioner had played a key role in execution of the crime and had furnished vital information regarding the movement of the deceased so as to facilitate commission of murder and as such, he does not deserve the concession of bail. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 2 years, 3 months & 19 days and that he is not involved in any other case. It has also been informed that as on date only 13 PWs out of cited 47 PWs stand examined.
5. This Court has considered rival submissions.
6. It is not in dispute that the petitioner was admittedly not present at the time of occurrence and had not participated in the occurrence, which had taken place at the spot. He is, however, alleged to have conspired with the remaining accused having conducted 'recce'. It is also not in dispute that the star witness i.e. Surinder Kaur (complainant) has been examined by the trial Court and has resiled from her statement. The petitioner otherwise has a clean record and is not involved in any other case. Conclusion of trial is likely to take time inasmuch as only 13 PWs out of 47 PWs have been examined till date. Two of the co-accused, namely, Iqbal Kaur and Sukhvir Singh @ Sukhi have already been granted bail vide order dated 29.11.2023. Under these circumstances, the petitioner also deserves the concession of bail. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the

satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

15.12.2023

Vimal

(GURVINDER SINGH GILL)
JUDGE

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