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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-62691-2023 (O & M)

Date of decision: 19.12.2023

Deedar Singh

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Surinder Garg, Advocate,
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of the regular bail to the petitioner in case FIR No.124 dated 17.08.2021 under Sections 302, 307, 341, 506, 427, 323, 324, 148, 149 and 120-B IPC and Sections 25/27 of the Arms Act, 1959 registered at Police Station Sadar Kotkapura, District Faridkot.

2. The FIR in question was lodged at the instance of Surinder Kaur, mother of the deceased, wherein she stated that that her 'Nanad' (husband's sister) namely Gurjinder Kaur was married to Balwinder Singh. However, 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 (since granted bail vide a common order dated 29.11.2023 passed in CRM-M-35028-2023) 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 (since granted bail vide

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order dated 08.12.2023 passed in CRM-M-50214-2023) 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 the 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 the 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

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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 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 (since granted bail vide a common order dated 29.11.2023 passed in CRM-M-35839-2023) had conspired and had connived with Anantdeep Singh and with the help of others, had murdered her son.

During the course of investigation, Balwinder Singh named Ravinder Singh @ Binda, Harnek Singh (innocent), Deedar Singh (petitioner), Budh Singh (proclaimed offender), Jaspreet Singh @ Jassi, Jagdeep Singh @ Rinku, Gurmukh Singh (on bail), Harpreet Singh @ Happy and Manpreet Singh @ Manna. Deedar Singh (petitioner) is stated to have conducted the recce of the spot.

3. Learned counsel for the petitioner submits that the petitioner had been falsely implicated in the present case and that the falsity of the case would be evident from the fact that when the complainant as well as eye-witness Mandeep were examined during the course of the trial, they did not support the case of prosecution at all. He contends that the witness, namely, Balwinder Singh was himself a proclaimed offender and had fled to Australia and was not likely to return back given the fact that he would be arrested having been declared a proclaimed offender. It has further been

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pointed out that the proceedings of the Trial have also been ordered to be stayed by this Court vide order dated 13.10.2023 passed CRM-M-51965-2023 which would mean that the petitioner would be subjected to indefinite incarceration in case he is not granted bail at this stage. Even otherwise, co-accused, namely, Iqbal Kaur, Sukhvir Singh @ Sukhi and Anantdeep Singh @ Roma (main accused) had been granted the concession of bail and as the petitioner was in custody since 04.10.2021 and only 13 of the 47 prosecution witnesses had been examined so far, the Trial in the present case would not be concluded in the near future and therefore, the petitioner was entitled to the concession of bail.

4. The learned State counsel, on the other hand, submits that having regard to the heinous nature of the crime and the fact that one more witness namely Balwinder Singh is yet to be examined, it would not be appropriate to release the petitioner on bail at this stage as there was every likelihood that he would influence the said eye witness. He, however, concedes that the petitioner was in custody since 04.10.2021 and three co-accused have been granted the concession of bail.

5. I have heard the learned counsel for the parties.

6. It is apposite to briefly refer to the examination-in-chief of the complainant Surinder Kaur. The said examination-in-chief is reproduced hereinunder:

“PW10 (ON SA)

Statement of Surinder Kaur, aged about 72 years, wife of Gurdarshan Singh, resident of Barkandi Road, Sri Muktsar Sahib.

Stated that I had two sons namely Gaganjot Singh and Novjot Singh. My elder son Gaganjot Singh died due to some

disease about 8 years back. My younger son Navjot Singh was doing agriculture work.

On 17.08.2021, I along with my son Navjot Singh and Mandeep Singh our relative were going on a vehicle from Sri Muktsar Sahib to Kotkapura. When we reached near Wara Daraka, some persons came on a vehicle and struck their vehicle with our vehicle. My son Navjot Singh who was driving our vehicle tried to take ahead our vehicle but the same vehicle again restrained our way by taking their vehicle ahead of our vehicle. My son was taken out of the vehicle by the said the unknown persons and started causing injuries on the person of my son Navjot Singh. My son Navjot Singh received multiple injuries. I informed my relative Balwinder Singh on mobile and Balwinder Singh reached on the spot and my injured son was brought to Civil Hospital, Kotkapura from where he was referred to GGS Medical College and Hospital, Faridkot where he succumbed to the injuries caused by unknown person.

When the assailants causing injuries on the person of my son Navjot Singh, I went towards side to save myself and I had not seen the assailants properly. I have seen the accused namely Anantdeep Singh @ Roma, Iqbal Kaur, Sukhvir Singh @ Sukhi, Arbat Singh, Yadwinder Singh @ Pappa, Gurmukh Singh and Didar Singh present in the court and they had not caused injuries to my son nor they were present at the spot at the time of occurrence. My statement was not recorded by the police.

At this stage learned Addl. PP for the State requested that witness is suppressing the truth and is resiling from her previous statement given to the police and she may be declared hostile and necessary permission to CTUSS examine the witness may kindly be granted. Heard. Request allowed."

7. To the similar effect is the examination-in-chief of PW-11 –

Mandeep Singh, who has also refused to identify the accused and has

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categorically stated that they had not caused injuries to his uncle Navjot Singh (deceased) and were never present at the time of occurrence.

8. Having regard to the aforestated position, wherein the complainant as well as eye-witness Mandeep Singh have totally resiled and have not supported the case of prosecution and also the fact that the petitioner has been behind bars since the last more than 2 years and the proceedings of the Trial otherwise have been ordered to be stayed by this Court, no useful purpose would be served by further detaining the petitioner behind bars, moreso, when three co-accused have already been granted bail.

9. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Deedar Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

10. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- 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 without sufficient cause.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

December 19, 2023

sukhpreet

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