

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.4125 of 2024
Reserved on: 08.08.2024
Pronounced on: 30.08.2024

Suraj Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vinod Ghai, Sr. Advocate with
Mr. Arnav Ghai, Advocate
for the petitioner.

Mr. Sukhdev Singh, A.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
62	06.08.2023	Punjab Agricultural University, District Police Commissionerate Ludhiana, District Ludhiana	302, 307 IPC and Sections 25, 27, 54, 59 of Arms Act

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, 1973, seeking regular bail.
2. Per paragraph 12 of the bail application and the reply/custody certificate, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	28	02.03.2022	Under sections 323, 341, 506, 148, 149	PAU, Ludhiana, District Ludhiana

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“ On 06.08.2023 complainant Ravi Kumar made a Statement with. the police levelling allegations that he was working with Soma Property Dealer who was indulged in finance business and the complainant used to visit the house of his employer Bhupinder Singh where the complainant fell in love with the daughter of his employer namely Sandeep Kaur but her family members were not happy

and inspite of repeatedly asking for marriage by Sandeep Kaur, her family members were not agreed to her marriage with the complainant. On this the complainant and the said Sandeep Kaur ran away from their houses on 21.06.2023 and performed marriage on 29.06.2023 and thereafter started residing together as husband and wife in the house of the complainant. It was further alleged that on 05.08.2023 at about 07.00 p.m. the complainant had gone from his house for some work and when at about 07.40 p.m. the complainant reached back in front of his house and was about to enter his motorcycle inside his house, then one person bearing Helmet came on a motorcycle and fired gunshots indefinitely at the complainant with pistol which hit on the face and shoulders of the complainant. In order to save himself, the complainant went inside his house and meanwhile his wife came inside VT. OF INDIA 35 the house from the opposite direction but the said 4 person also entered the house on which the complainant's wife went inside the house due to fear and concealed herself under the Cot but that person also entered the room and brought out the complainant's wife from underneath the Cot and fired gunshot indefinitely and killed her. The complainant's mother Anita Rani also saw this incident and she raised alarm on which the said person came out of the room with his weapon; removed his Helmet and said that "Sandeep Kaur was his sister who has performed marriage by running away with your son against our wishes and she has been punished and now the turn is of Ravi Kumar". On hearing this, the complainant in order to save his life, went from the top of his house to the roof of neighbour and hid in the bathroom. In the meantime the said person followed the complainant fired gunshots by raising Lalkaras. During this, people of the locality started gathering due to which the said person ran away with his weapon on the motorcycle while threatening the complainant. Due to this firing, the wife of the complainant expired and the complainant sustained injuries and this has been done by Suraj Singh S/o Bhupinder Singh C/o Soma Property Dealer (present petitioner). Accordingly FIR No. 62 dated 06.08.2023, u/s 302, 307 IPC and 25, 27 Arms Act, P.S. PAU, Ludhiana was registered against the present petitioner."

4. Mr. Vinod Ghai, Ld. Sr. Advocate, appearing for the petitioner, submitted as follows:

- *Eye witnesses i.e. PW1 Ravi Kumar and PW2 Anita Rani, husband and mother-in-law, respectively of the petitioner did not support the case of prosecution. The motive even is not proved as it has not come in the evidence of any witness. It has come in the evidence of these witnesses that assailants with muffled face had cause the incident and this fact is supported by PW7 SI Ashwani that the assailants were with muffled faces. The complainant initially did not make any statement on 05.08.2023. Although he had met the police, but the present FIR was registered on the next day by alleging that although the assailant was wearing a helmet to cover his face, but then he took off the helmet in the end and therefore, they could see the assailant. This seems to be improbable and therefore, the witnesses in the court spoke the truth that unidentified persons with muffled faces had committed the present crime.*
- *The only evidence with the prosecution is recovery of country made pistol from the petitioner on 06.08.2023, however, it has come in the evidence of the investigating officer that the owner of the weapon could not be*

ascertained. Further, the weapon was not shown to the doctor, no finger prints were taken, no independent witness was joined. The empties lead and the weapon were belatedly sent together after 16 days of the occurrence and recovery. Even otherwise, the prosecution is not able to prove as to who had use the weapon as none of the eye witnesses have supported the case of the prosecution.

- *As per FSL report, no definite opinion would be given regarding the bullets whether they were fired through the country made pistol. However, regarding cartridges, it was mentioned that these have been fired through the weapon recovered. This report cannot be said to be definite regarding the weapon having been used in the offence as cartridges and weapon were belatedly sent after 16 days and had seal of IO only. Therefore, the weapon can be fired through and sent.*

5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

6. The State's counsel opposes bail refers to the reply and has drawn the attention of this Court to Para 8 of the reply, which reads as follows:

"8. That thus the petitioner, who has killed his sister Sandeep Kaur by firing gunshots indefinitely and also attempted to kill the complainant by firing gunshots as mentioned above, is not entitled for the concession of bail. There is sufficient medical, scientific and circumstantial evidence on record to connect the petitioner commission of offence as mentioned above. "

7. Further, Mr. Sukhdev Singh, Ld. AAG opposes bail on the following grounds:

- *It is a case of honour killing by brother of his own sister by giving her 9 bullet injuries on her body.*
- *Petitioner is sole accused in the matter.*
- *From the place of occurrence, blood samples of deceased were taken for FSL examination and petitioner's shirt, pant and shoes containing blood were also taken into possession by the police and have been sent for chemical examination of which the report is still awaited, which will further corroborate the case of the prosecution.*
- *Though, it has been stated in the petition that two alleged eye-witness namely Ravi Kumar (husband of the deceased) and Anita Rani (mother-in-law of the deceased) have not supported the prosecution version still, there are other circumstantial evidences available including recovery of the blood stained clothes of the petitioner that have been sent for chemical examination, pistol 32 bore with 21 live cartridges, motor cycle no. PB 10 JC 1422 used in crime and the Helmet which the petitioner was wearing at the time of crime and Ballistic report which said the pistol was in working condition.*
- *Declaring Ravi Kumar, (Husband of the deceased) and Anita Rani, (Mother in law of the deceased) hostile will have least bearing on the case since they would be hardly interested in pursuing the case against the petitioner. Therefore, it would be a clear case which will lead to conviction on the basis of circumstantial evidence.*
- *Apart from this, custody in this case is only 11 months and 29 days and 1 another FUR bearing No. 28 dated 02.03.2022 under Section 323/325/148/149/34 IPC, Police Station PAU registered against the petitioner.*

8. It would be appropriate to refer to the following portions of the reply, which read as follows:

“6. That accordingly the petitioner was arrested 06.08.2023 and during his search, weapon of UBLIC on ffence used by him in the crime i.e. country made INDIR istol 32 bore with 21 live cartridges were recovered from the petitioner. Motorcycle No.PB- 10JC-1422 used in the crime and the Helmet which the petitioner was wearing at the time of crime, were also recovered from the petitioner. Shirt, Pent, Shoes of the petitioner were containing blood spots and the same were also taken into possession by the police. All these wearing of the petitioner and the above noted articles/clothes of the deceased have been sent to the Chemical Examiner and his report is awaited and a reminder has also been sent to Chemical Examiner. The petitioner was duly identified by the complainant to have committed the crime. Ballistic report was also received in which it was mentioned that the said pistol was in working condition.”

9. The recovery of the pistol and helmet prima facie connects the petitioner with the alleged offense, which is based on circumstantial evidence and eyewitness accounts.

10. A perusal of the bail petition and the attached documents prima facie points towards the petitioner’s involvement but does not make out a case for bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

11. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

12. **Petition dismissed.** Interim orders, if any, are recalled with immediate effect. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

30.08.2024
Sonia Puri

Whether speaking/reasoned: Yes
Whether reportable: No.