



IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

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CRM-M-4872-2024

Reserved on: 20.05.2024

Pronounced on: 21.05.2024

**GAGAN GILL @ GAGAN**

.... PETITIONER

**Vs.**

STATE OF PUNJAB

.... RESPONDENT

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**CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA**

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Present: - Mr. Sandeep Arora, Advocate, for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

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**DEEPAK GUPTA, J.**

By way of this petition filed under Section 439 CrPC, petitioner prays for his release on regular bail in case FIR No.144 dated 08.12.2022 registered under Sections 302/216/427/120-B/148/149 IPC and Sections 25/29/30 of the Arms Act, 1959 at Police Station Nakodar, District Jalandhar Rural.

2. Status report by way of affidavit of Shri Kulwinder Singh, PPS, Deputy Superintendent of Police, Sub Division Nakodar, District Jalandhar (Rural) on behalf of the respondent-State, in compliance of the order dated 05.02.2024 passed by this Court, has already been filed.

3.1 FIR was lodged on the statement of Harminder Singh, as per which his son Bhupinder Singh @ Timmy had received a ransom call of ₹30 lakh on WhatsApp on 01.11.2022. Security was provided to Bhupinder Singh @ Timmy. On 07.12.2022, at about 8:10 AM, Bhupinder Singh @ Timmy accompanied by his gunman Constable Mandeep Singh had gone to their shop at about 8:10 AM in his Breeza car, when at about 8:15 AM, 2-3

young boys came on a motorcycle and fired shots to both of them. Complainant ran towards the vehicle of his son and noticed bullet injuries to his son Bhupinder Singh @ Timmy as well as Gunman Mandeep Singh. They were taken to the hospital. Bhupinder Singh @ Timmy had died. On 09.12.2022, Constable Mandeep Singh also succumbed to injuries.

3.2 Status report reveals that initially Mohammad Yasin, Sonu Daggar and Kamaljit Singh @ Kamal confined in different jails, were arrayed as accused in the case on the basis of secret information and so, their production warrants were got issued, but no clue could be found against them and so, they were got discharged. On 10.12.2022, Constable Rattan Singh, after seeing the video of the commission of murder, identified the assailants to be Manga Singh @ Geeta Singh, Kamaldeep Singh @ Deep and Khushkaran Singh @ Khushi. All three of them were arrested. 1 pistol and 4 live rounds were also recovered from them. In their disclosure statements, these assailants also revealed the involvement of various other persons in planning and commission of the murder. On the basis of those statements, Amrik Singh, Sajjan Singh, Thakur Singh, Amandeep Singh Purewal, Gurwinder Singh @ Ginda, Karan and Akash were nominated as accused vide DDR No.22 dated 14.12.2022. Akash and Gurwinder Singh @ Ginda were arrested on 16.12.2022; whereas Amrik Singh, Sajjan Singh and Thakur Singh were arrested on 23.12.2022. An XUV car was recovered from Akash, whereas pistol of 32 bore and 3 live cartridges were recovered pursuant to the disclosure statement of Amrik Singh.

3.3 Status report reveals further that during interrogation co-accused Gurwinder Singh @ Ginda, he disclosed about the involvement of Charanjit Singh and Gagan Gill @ Gagan (*present petitioner*) in the crime. Both of

them were nominated in the case. Petitioner was arrested on 16.12.2022. During interrogation, said Gagan Gill @ Gagan (*petitioner herein*) disclosed that on 07.12.2022 Gurwinder Singh @ Ginda, Amrik Singh, Sajjan Singh, Thakur Singh, Manga Singh, Kamaldeep Singh @ Deep and Khushkaran Singh @ Khusi had come to the Malri farm house after committing crime. Petitioner was already present there. Amrik Singh kept 2 pistols with him, whereas 1 pistol of 30 bore and 2 live rounds were handed over the Gurwinder Singh @ Ginda. Said Gurwinder Singh @ Ginda handed over that pistol and 2 rounds to the petitioner and then they went away. Gurwinder Singh @ Ginda took the aforesaid pistol and 2 rounds from the petitioner on 08.12.2022. Later on, said pistol and rounds were recovered from Gurwinder Singh @ Ginda.

4. It is contended by Id. counsel that petitioner has been falsely implicated; that even as per the police investigation, petitioner is not involved in the murder of deceased Bhupinder Singh @ Timmy and Constable Mandeep Singh nor he had gone to the spot; that no recovery whatsoever has been effected from the petitioner; that case against the petitioner is based upon disclosure statements made during police custody, which are inadmissible in evidence; that petitioner is in custody for the last more than 1 year 4 months; that trial may take time to conclude and so, in all these circumstance he be allowed bail.

5. Opposing the bail petition, Id. State counsel contends that petitioner is member of a gang, who is involved in demanding ransom and if the demand is not met, the concerned person is murdered. Though it is conceded that no recovery is effected from the petitioner, but it is contended that petitioner had concealed the pistol of 30 bore and 2 rounds at the farm

house, as were handed over to him by co-accused Gurwinder Singh @ Ginda and later on the same were recovered by the police from Gurwinder Singh @ Ginda. It is also pointed out that petitioner is involved in two more cases. Prayer is made for rejecting the petition.

6. I have considered submission of both the sides and have appraised the record carefully.

7. It is the conceded case of the prosecution that petitioner is not amongst the assailants, as identified during investigation to be Manga Singh @ Geeta Singh, Kamaldeep Singh @ Deep and Khushkaran Singh @ Khusi. Even these assailants after their arrest did not name the petitioner to be involved in the planning to commit the murder of Bhupinder Singh @ Timmy and Constable Mandeep Singh. The name of the petitioner has surfaced in the disclosure statement of Gurwinder Singh @ Ginda, who had been earlier named by the assailants. The only attribution to the petitioner is that he was handed over a pistol and two live cartridges by Gurwinder Singh @ Ginda on 07.12.2022, which he concealed in a farm house and later on, handed over the same to the same co-accused i.e. Gurwinder Singh @ Ginda. This is also based upon the disclosure statement of the co-accused made during custody, the admissibility of which shall be subject matter of trial. Petitioner is in custody for the last 1 year 4 months and 27 days. Trial may take time to conclude. Though he is involved in two more criminal cases, but having regard to the nature of attribution to the petitioner, as noticed above, the mere criminal antecedents of the petitioner cannot be a reason to decline him bail.

8. Having regard to all the above facts and circumstances, but without commenting anything further on merits of the case, petition is allowed. Petitioner is admitted to regular bail on his furnishing requisite bail

bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned, on usual terms and conditions.

Pending application(s), if any, also stand disposed of.

21.05.2024  
*Vivek*

(DEEPAK GUPTA)  
JUDGE

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|-----------------------------------|------------|
| <i>Whether speaking/reasoned?</i> | <i>Yes</i> |
| <i>Whether reportable?</i>        | <i>No</i>  |