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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-9827-2023
Date of decision : 23.01.2024

Ranjit Singh Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Amandeep Singh Rai, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

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.16 dated 28.01.2019, registered for the offences punishable under Sections 302 and 34 of IPC (Sections 148, 149 and 201 of IPC were added later on) at Police Station Tibba, District Police Commissionerate Ludhiana.

2. As per the contents of the FIR, it was alleged as under:-

“It is stated that I am resident of above given address and doing a work of driving. I have three children, two boys and one girl. My youngest son, Gurwinder Singh, who is about 23 years old and was doing the job in Deep Hospital. On the evening of 27.01.2019, my son Gurwinder Singh has told me that Jagjit Singh s/o Maghar Singh, who lives in rented house in Gopal Nagar, Ludhiana and he invited me at his residence. After saying this my son went to his house on his bike. And he didn't come home that night. Today at 09.25 AM, I got

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information from Civil Hospital, that Gurwinder Singh is admitted in hospital due to injuries. And he is in very serious condition. Immediately after taking my kinsman and family members I reached civil hospital where my son Gurwinder Singh died before I reached. When I saw dead body of my son, he had injuries on his left eye and there were injuries on all the body there was bleeding. My son Gurwinder Singh was called by Jagjit Singh's son Maghar Singh the resident of Khalewall Ludhiana, and his brother Ranjit Singh and with other relatives beaten my son and commit murder. I have also come to know that Jagjit Singh and Ranjit Singh both have carry jealousy from my son Gurwinder Singh. Because of this, my son was called home and murdered him. Legal action should be taken against Jagjit Singh and Ranjit Singh.”

3. Thus, in nutshell, the case of the prosecution is that the deceased had illicit relationship with the wife of Jagjit Singh. The present petitioner happens to be brother of Jagjit Singh.

4. Counsel for the petitioner has relied upon order dated 22.07.2022 passed in *CRM-M-9994-2022*, to submit that Jagjit Singh @ Jagga himself stand admitted to bail alongwith Jaswant Singh, who was granted bail vide order dated 18.09.2020 passed in *CRM-M-1977-2020* and Vinod Kaushal, who stands admitted to bail vide order dated 01.03.2021 passed in *CRM-M-42723-2020*.

5. Counsel for the petitioner further submits that the complainant Gurdev Singh has appeared as PW-1 and testified. The testimony was relied upon by this Court while granting regular bail to Kulbir Singh in *CRM-M-35614-2021* dated 13.05.2021,

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observing as under:-

“The petitioner has been in custody since 10.04.2021. Admittedly charges have been framed. Out of 19, 4 witnesses stand examined including the complainant-Gurdev Singh who appeared as PW-1.

Counsel for the petitioner has relied upon the statement of complainant himself PW-1 who has stated :-

“I am a driver. I have three children. Deceased Gurwinder Singh was my son. He was unmarried. He worked as a laboratory assistance (sic. Assistant) at Deep Hospital Ludhiana. On 27.1.2019 at about 5 P.M., my son Gurwinder Singh told me that Jagjit Singh son of Maghar Singh has called me at Gopal Nagar Ludhiana, where Jagjit Singh used to reside as a tenant and thereupon my son Gurwinder Singh went to meet Jagjit Singh on a motorcycle. My son Gurwinder Singh did not return back on that day. On the next day i.e. 28.1.2019 in the morning time I received information from Civil Hospital Ludhiana that the condition of my son Gurwinder Singh is very critical as he is admitted at Civil Hospital, Ludhiana at very serious condition as he has received number of injuries and asked us to visit at civil hospital. Thereupon I alongwith my relatives had visited Civil Hospital, Ludhiana and before my arrival at Civil Hospital, Ludhiana my son was already expired. I saw the dead body of my son Gurwinder Singh and I noticed that number of injuries were there on the various parts of the body of my son Gurwinder Singh. When I went to lodge the report to the police and I met police party at Tibba Road where I got recorded my statement to

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the police which is Ex.P1 which bears my signatures and I identify the same at Ex.P2. I started inquiring about the assailants and I got to know that accused Jagjit Singh and his brother Ranjit Singh in connivance with Jaswant Singh of village Meharban, Kulbir Singh of Meharban and Vinod Kaushal resident of Gopal Nagar Ludhiana have committed murder of my son Gurwinder Singh by calling him at the rental accommodation of Jagjit Singh. In this regard on the next day on 29.1.2019 I got my statement recorded to the police which is Ex.P3 which also bears my signatures and I identify the same at Ex.P4. The motive behind the occurrence was that my son Gurwinder Singh was having illicit relations with the wife of accused Jagjit Singh due to which Jagjit Singh in connivance with other accused murdered my son. Scaled site plan was prepared in my presence and at my instance. I identify the accused Jaswant Singh and Vinod Kaushal present in court today and I also identify accused Jagjit Singh and Kulbir Singh (through VC).

Xxxxxxx by Sh.Amandeep Singh Rai Adv. for all the accused.

I do not know as to which mode Gurwinder Singh was called to Ludhiana by Jagjit Singh. No one came to call Gurwinder Singh in my presence. I am not eye witness of the present case. I cannot tell as to who told me the names of accused afterwards. It is correct that accused were not known to me personally before the incident. It is wrong to suggest that the motive behind the occurrence that my son having illicit relations with the wife of accused Jagjit Singh. It is further wrong that Jagjit

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Singh in connivance with other accused have murdered my son. It is wrong to suggest that I have deposed falsely.”

and would submit that even in the statement made before the trial Court the allegations levelled against the petitioner are merely hearsay. Apart from that he has relied upon the orders passed by this Court in CRM-M-1977 of 2020 titled as ***Jaswant Singh Vs. State of Punjab*** decided on 18.09.2020 (Annexure P-2) and CRM-M-42723 of 2020 titled as ***Vinod Kaushal Vs. State of Punjab*** decided on 01.03.2021 (Annexure P-3) whereby the co-accused have been granted the concession of regular bail.

Per contra learned State counsel submits that the petitioner has been specifically named in the supplementary statement and so far as the statement of PW-1 is concerned the same shall be subject matter of the trial though he does not dispute the fact that the complainant stands examined.”

6. Bail plea of the petitioner is being opposed by the State Counsel to submit that the petitioner before surrendering on 31.03.2022 remained proclaimed offender and thus qua his conduct, the petitioner does not deserve concession of regular bail.

7. Having heard counsel for both the parties and after going through the records of the case, keeping in view the nature of allegations levelled against the petitioner, the statement of PW-1, the incarceration suffered by the petitioner and the fact that all the co-accused including Jagjit Singh @ Jagga already stands admitted to bail, 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

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Ld. Trial Court/Duty Magistrate, concerned.

8. 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

23.01.2024
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Whether speaking/reasoned :	Yes
Whether Reportable :	No