



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.9849 of 2024
Date of decision: 11th July, 2024

Baljeet Singh @ Kukku
... Petitioner

Versus

State of Punjab
... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gagandeep S. Simble, Advocate for the petitioner.
Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.81 dated 13.10.2017 under Sections 302, 397, 364, 34 of the IPC and Section 25 of the Arms Act, 1959 registered at Police Station Qila Lal Singh, Police District Batala, District Gurdaspur.
2. Learned counsel for the petitioner submits that the false implication of the petitioner in the crime in question is evident from the fact that initially the FIR in question was registered by the brother of the deceased against unknown persons and no suspicion qua the involvement of any person much less the petitioner was alleged therein; after about 8 months, two persons Chandan Kumar and Surinder Kumar approached the police and nominated one Kamaljeet Singh and Baljeet



Singh as being the alleged murderers of the deceased. On being arrested on 20.04.2018, accused Kamaljeet Singh allegedly suffered a disclosure statement wherein he stated that at the time when the crime in question was committed, the petitioner was also present along with them. It has been submitted that on being arrested, accused Kamaljeet Singh suffered another disclosure statement, pursuant to which the weapon of offence i.e. his licensed revolver was recovered. The two persons, who purportedly nominated accused Kamaljeet Singh and Baljeet Singh, while stepping into the witness box, had not supported the case of the prosecution as a result of which they were declared hostile; said Kamaljeet Singh, after facing trial, was acquitted by the learned trial Court vide order dated 18.02.2020 (Annexure P-2). Learned counsel has also submitted that the petitioner, as per the admitted case of the prosecution itself, had not been attributed any other role in the crime in question, much less any injury on the person of the deceased. Learned counsel submits that there is no cogent much less convincing evidence on record to connect the petitioner with the crime in question, except for the alleged disclosure statement of the co-accused, who, as already submitted, stands acquitted. It has also been submitted that only 3 witnesses out of the 26 cited have been examined so far and hence, his further incarceration would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the learned counsel for the petitioner, on



instructions, has not disputed the submissions of the counsel opposite qua the FIR in question having registered against unknown persons. It has also not been disputed that the two persons Chandan Kumar and Surinder Kumar, who nominated co-accused Kamaljeet Singh and Baljeet Singh as accused, had not supported the case of the prosecution during trial as a result of which they were declared hostile. It has also not been disputed, on instructions, that the petitioner came to be nominated as an accused only on the basis of a disclosure statement allegedly suffered by co-accused Kamaljeet Singh, wherein also it was merely stated by him that the petitioner was accompanying them at the time of alleged occurrence and furthermore, no injury much less fatal has been attributed to him.

4. Learned State counsel has submitted that no doubt co-accused Kamaljeet Singh and Baljeet Singh, after facing trial had been acquitted by the learned trial Court, however, the petitioner had absconded and was declared a proclaimed offender on 27.02.2019 and he could be arrested only on 14.10.2022.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. It would be apposite to reproduce the contents of the FIR in question, which reads thus:

*“Statement of Rajesh Kumar son of Ram Chand
Caste Mahasa Resident of Awankha Old Abadi Dina Nagar
District Gurdaspur aged about 45 years stated that I am a*



resident of the said address and work as an electrician. We are three brothers. Ashwani Kumar is younger than me and Yashpal is the youngest. My brother Yashpal is married, and he has two sons And my brother Yashpal used to work as a Munsif with Ganesh Kumar son of Chhaju Ram from near railway station Gurdaspur who has taken the contract of FCI company since 4 years and used to transport rice from FCI Godown Dera Baba Nanak Road Batala. He used to load it and send it to Sri Nagar. And he used to get cash from his owner Ganesh Kumar and pay the trucker every day. Today he left home at 9 o'clock in the morning to go to his duty. And after getting 2 lakh rupees in cash from his owner from Gurdaspur, he went to FCI Godown Batala, today afternoon I got a message from his owner Ganesh Kumar that my brother Yashpal has died near village Taragarh police station Qila Lal Singh. On which I took my relative Rakesh Kumar son of Kailash Chand caste Mahasa resident of Bhaiya Wali Gali Batala to village Taragarh Haruwal Road and reached the shore where my brother Yashpal died due to a bullet in the head near his right temple. It is known that two unknown motorcyclists kidnapped my brother Yashpal from Dera Baba Nanak Road Batala at 12 o'clock in the day and took him to village Taragarh. After bringing him to Haruwal Link Road, they took away a bag containing two lakh rupees from him and after shooting him in the right side of the head, he fled towards Haruwal village on his motorcycle. Leaving his relative Rakesh Kumar to protect the body, he was going to the police station to inform that he has met, action should be taken.”



7. It is apparent that the FIR in question was lodged against unknown persons and there was no suspicion raised much less by way of a whisper against the petitioner. As not disputed by the learned State counsel on instructions, both the co-accused Kamaljeet Singh and Baljeet Singh, on whose disclosure statement the petitioner came to be nominated as an accused, already stand acquitted by the trial Court on account of the material witnesses not supporting the case of the prosecution. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

July 11, 2024
rps

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