

CRM-M-7187-2023
CRM-M-12799-2023

Neutral Citation No. 2024:PHHC:006307
Neutral Citation No. 2024:PHHC:006311

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Reserved on: January 11, 2024
Pronounced on: January 18, 2024

1. CRM-M-7187-2023

Chanveer Singh ...Petitioner

Versus

State of Punjab ...Respondent

2. CRM-M-12799-2023

Harjot Singh @ Jot ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: - Mr. Navkiran Singh, Advocate for the petitioner
in CRM-M-7187-2023.

Mr. Shivan Joshi, Advocate for the petitioner
in CRM-M-12799-2023.

Mr. Karunesh Kaushal, AAG, Punjab.

Mr. Ramandeep Singh, Advocate for the complainant.

DEEPAK GUPTA, J.

In the two petitions titled above, both filed under Section 439
Cr.P.C., petitioners have prayed for their release on regular bail in case FIR
No.197 dated 02.12.2021 under Sections 302, 120-B, 201 and 34 of IPC,
registered at Police Station Subhanpur, District Kapurthala.

2. The FIR was lodged on the complaint of Gurjeet Kaur w/o Gurdeep Singh, resident of Jallapur Khera, District Amritsar, as per which, her brother Harwinder Singh and mother Harbhajan Kaur, though resident of village Bhagwanpur, District Kapurthala, were presently residing at her maternal grand-parents village (*Nanke Pind*) Jairampur, Police Station Subhanpur. On the intervening night of 14/15.03.2021, both of them i.e., Harwinder Singh and Harbhajan Kaur died due to outbreak of fire in the house under suspicious circumstances. Acting on the statement of Surinder Kaur w/o deceased Harwinder Singh, police after getting the postmortem conducted, handed over the dead bodies and last rites were performed at village Bhagwanpur. At that time, complainant as well as other people were suspecting that deaths were not natural and they continued to enquire at their own level. Now, her maternal uncle Manjit Singh had arrived from Canada, who was told about having suspicion about the murder of Harwinder Singh and Harbhajan Kaur, on her sister-in-law (brother's wife) Surinder Kaur, her sons Chanveer Singh (*petitioner in CRM-M-7187-2023*) and Navroop Singh under a conspiracy. Few days back, they went to their house at village Bhagwanpur and started talking with three of them, i.e., Surinder Kaur, Chanveer Singh and Navroop Singh, who became nervous. It was alleged that by going towards one side, they started whispering and that complainant over heard the conversation, in which Navroop Singh was telling his mother Surinder Kaur and brother Chanveer Singh that on her asking and in collusion with his friends Harjot Singh @ Jot (*petitioner in CRM-M-12799-2023*) and Balwinder Singh, they had killed Harwinder Singh and Harbhajan Kaur and had set them on fire. It was alleged that murders have been

committed by the above named accused for grabbing the land.

3. FIR was registered. Investigation was carried out. Harjinder Singh, Ex. Sarpanch was joined in the investigation, who got recorded the statement that Navroop Singh and Harjot Singh @ Jot had made extra judicial confession before him to the effect that they along with Chanveer Singh had murdered Harwinder Singh and Harbhajan Kaur for getting share in property in the intervening night of 14/15.03.2021 and in order to show the same as natural death, had ablaze them by pouring diesel. One Kulwant Singh, owner of Sarpanch Dhaba on Subhanpur Nadala Road was also joined in the investigation, who disclosed that on the intervening night of 14/15.03.2021, Navroop Singh and Harjot Singh @ Jot along with Chanveer Singh had visited his Dhaba on two motorcycles and at that time, they were having blood stains on their clothes. Navroop Singh and Chanveer Singh were arrested on 10.12.2021. Both of them suffered disclosure statements admitting their involvement in the crime and to have committed murder with an ice cutting instrument, which was got recovered by them. However, no involvement of Surinder Kaur, Palwinder Singh and Balwinder Singh was found. After completing investigation, final report was presented in the Court. Challan was filed. Charges were framed on 18.04.2022.

4. It is contended by learned counsel that both the petitioners have been falsely implicated on the basis of assumption and hear-say evidence; that there is no eye witness account of the alleged occurrence; that there is a delay of more than 08 months in registration of the FIR; that as per the inquest proceedings conducted after the death of deceased Harwinder Singh

and Harbhajan Kaur, death was caused due to accidental fire on account of short circuit in the electric wire; that petitioners are in custody since 18.12.2021; that the trial may take time to conclude and so, they be allowed bail.

5. Learned State counsel has opposed both the petitions by pointing out towards the gravity of the offence committed by the petitioners.

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

7. Case is dependent upon circumstantial evidence. Despite the fact that complainant Gurjeet Kaur claims to be present, when the information about the death of her brother and mother was received and despite the fact that she along with other villagers was allegedly suspecting foul play in the death of two of them, still FIR was not got registered at that time. Rather, FIR has been registered on 02.12.2021, i.e., after more than 08 months of the occurrence. The extra judicial confession as allegedly made by Navroop Singh and petitioner Harjot Singh @ Jot before Harjinder Singh, Ex. Sarpanch, is required to be tested during trial. At this stage, it is suffice to say that extra judicial confession is a very weak type of evidence. There is no last seen evidence. It is hard to believe at this stage that the petitioners along with co-accused will converse in such a loud voice that complainant and others could over-hear them to the effect that the petitioners and others had committed the murder.

8. As per custody certificate placed on record, petitioner Harjot Singh @ Jot is in custody for the last 02 years, 01 month and 03 days, with

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no criminal antecedent. Petitioner Chanveer Singh is in custody for the last 02 years and 23 days, with one more case pertaining to jail offence against him. The trial may take time to conclude.

9. Having regard to all the aforesaid facts and circumstances, but without commenting further on the merits of case, both the petitioners are admitted to bail. They be released on bail on their furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

Both the petitions are allowed accordingly.

Photocopy of this order be placed on the connected case file.

January 18, 2024
Sarita

(DEEPAK GUPTA)
JUDGE

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