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(227)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20877-2024

Date of Decision: 21.05.2024

AKASHDEEP SINGH @ AKASH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CRM-M-21990-2024

BHEEM SINGH @ BHEEMA

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. S.K. Bokolia, Advocate
for the petitioner in CRM-M-20877-2024.

Mr. P.B.S. Goraya, Advocate
for the petitioner in CRM-M-21990-2024.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

This order shall dispose of two petitions bearing No.CRM-M-20877-2024 titled as Akashdeep Singh @ Akash Versus State of Punjab and CRM-M-21990-2024 titled as Bheem Singh @ Bheema Versus State of Punjab as the same are arising out of the same FIR. However, for the sake of convenience the facts have been taken from CRM-M-20877-2024.



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2. The prayer in the present petitions under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.44 dated 18.02.2021 registered under Sections 302, 120-B, 34 IPC and Sections 25/54/59 of Arms Act, 1959 at Police Station City Faridkot, District Faridkot.

3. The present FIR came to be registered at the instance of Sukhchain Singh son of Sardar Banta Singh and the same reads as under:-

“Statement of Sukhchain Singh son of Sardar Banta Singh, resident of Bhan Singh Colony, Street No.4, Faridkot now German Colony, Street No.1, Near Gurudwara Sahib, Faridkot, aged about 66 years, Mobile No.90194-00008. Stated that I am resident of above said address and an agriculturist by profession. I have three children. Two elder daughters and one younger son namely Gurlal Singh, who was younger to them and aged about 33-34 years and all my children were married. Me and my son were residing in the same house. Today me and my son namely Gurlal Singh went to the market in their Skoda car bearing registration number PB04-AD-1440 to purchase some household articles and for some other piece of work and on reaching the market, My son Gurlal Singh dropped me at Jublee Chowk, Faridkot and he proceeded to the office of Veenu Goyal an Immigration Consultant. After making necessary purchases, I started moving towards my son's car, when I reached near Sethi Dairy, Faridkot, my relative Gurjaswinder Singh son of Pargat Singh, resident of village Jhok Sarkari, District Faridkot met with me and we both started talking to each other and when we started heading towards my son Gurlal Singh, it was about 4:30-4:45 PM, my son was heading towards his car, while I was watching,



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two unknown Hindu young men, out of whom, one was of height about 6 feet and the other of about 5½ feet, came from behind i.e. from Jublee Chowk and opened indiscriminate firing from their pistols and they inflicted 12-13 gun shots to my son and thereafter, they fled away towards Sethi Dairy. 5-6 unknown persons also fled away by raising lalkara. Resulting in severe firearm injuries to my son Gurlal Singh. Bullets were fired at my son Gurlal Singh under some deep conspiracy as my son was the President of Youth Congress, District Faridkot and a member of Zila Parishad, Faridkot. We arranged for a vehicle and got my son Gurlal Singh admitted at Guru Gobind Singh Medical College and Hospital, Faridkot, where the medical officers on duty declared him dead. My son Gurlal Singh died of bullet injuries and he prayed for initiating legal action against the unknown persons for killing my son, who I could identify from their appearance. I got recorded my statement in the presence of Gurjaswinder Singh son of Pargat Singh resident of Jhok Sarkari, District Faridkot, which is heard and true. Sd/- Sukhchain Singh Sd/- Gurjaswinder Singh son of Pargat Singh, resident of Jhok Sarkari, District Faridkot, Attested Gurvinder Singh Inspector, SHO, City Faridkot, Dated 18.02.2021.”

4. During the course of investigation it transpired that Lawrence Bishnoi son of Lavinder Bishnoi and Satinderjit Singh alias Goldy son of Shamsher Singh had taken the responsibility for the murder of the deceased- Gurlal Bhalwan son of Sukhchain Singh on social media. They were both nominated as accused vide DDR No.53 dated 19.02.2021.

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One Kapil Pehlwan son of Barjinder and Harpreet Singh son of Gursewak Singh were nominated as accused on the basis of secret information. It also emerged that Gurbinder Singh @ Pinder (granted bail vide order dated 20.03.2024 passed in CRM-M-30384-2021) who is a cousin brother of Satinderjit Singh alias Goldy was involved in the murder as a conspirator and therefore, he was nominated as an accused vide DDR No.24 dated 22.02.2021. He was arrested on the same day and got recovered a Fortuner vehicle bearing No.DL-03C-BM-3212 and a motorcycle bearing No.PB-03AK-7755.

The statement of one Gurkirat Singh son of Baldev Singh was recorded who stated that Rajinder Singh alias Jony (granted bail vide order dated 20.03.2024 passed in CRM-M-39184-2021) had made an extra-judicial confession before him that he along with Bhim Sain alias Bhima (petitioner in CRM-M-21990-2024), Akashdeep Singh (petitioner in CRM-M-20877-2024) and Pardeep Singh (granted bail vide order dated 20.03.2024 in CRM-M-24856-2022) had kept a close surveillance upon the movements of Gurlal Singh Bhalwan and had provided information to the conspirators who further caused the murder of the deceased.

The statement of one Gurkanwaljit Singh Sarpanch was recorded and accordingly, Rajinder Singh alias Jony, Gurinderpal Singh alias Gora Bhau, Sukhwinder Singh alias Sunny Dhillon alias Tang, Sourav Verma, Bhim Singh alias Bhima, Akashdeep Singh alias Akash and Pardeep Singh were nominated as accused vide DDR No.56 dated 23.02.2021 because these

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accused had facilitated the shooter Chhottu and shooter Rajan who actually killed Gurlal Singh Bhalwan.

One mobile phone and a motorcycle were recovered at the instance of Gurbinder Singh @ Pinder. Subsequently, on 24.02.2021 Pardeep Singh and Akashdeep Singh alias Akash were arrested along with Rajinder Singh alias Jony and Bhim Singh alias Bhima.

During investigation it transpired that the sharp shooters had gone to the house of Gagandeep Singh @ Peda (granted bail vide order dated 20.03.2024 in CRM-M-45201-2023) after the occurrence and had stayed at a rental accommodation arranged by him. Consequently, Gagandeep Singh alias Peda was nominated as an accused vide DDR No.63 dated 01.04.2021 and was arrested on 04.04.2021.

Amit alias Chhotu and Rajan alias Rajan Jaat the actual assailants who killed the deceased were arrested on 28.09.2021 and 01.10.2021 respectively.

5. The learned counsels for the petitioners contend that as per the prosecution case, Rajinder Singh alias Jony had made an extra-judicial confession before Gurkirat Singh that he along with Bhim Sain alias Bhima, Akashdeep Singh alias Akash and Pardeep Singh had conducted surveillance upon the movement of the deceased. The said Gurkirat Singh was examined as PW6 and has identified Sourav Verma as Bhim Sain alias Bhima and Akashdeep Singh alias Akash as Rajinder Singh alias Jony. Therefore, no reliance could be placed upon his deposition moreso as he was a close friend

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and associate of the deceased. Similarly, the statement of Gurkanwaljit Singh Sarpanch was recorded as PW-7 before whom Akashdeep Singh alias Akash and Pardeep Singh had made an extra-judicial confession. However, Sourav Verma had been identified as Pardeep Singh and Bhim Sain alias Bhima had been identified as Akashdeep Singh alias Akash. Therefore, no reliance could be placed on his statement as well. The recoveries of vehicles etc. did not further the prosecution case as they could not be connected to the offence in question. The various disclosure/confessional statements in custody had no evidentiary value. As the petitioners were in custody since 24.02.2021 but only 08 of the 57 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, the petitioners were entitled to the concession of bail moreso some of their co-accused had been granted bail.

6. Replies dated 18.05.2024 and 21.05.2024 by way of an affidavit of Shamsher Singh, PPS, Deputy Superintendent of Police, Sub Division Faridkot has been filed in both the connected petitions on behalf of the State by the learned counsel for the State. The same are taken on record. He contends that all the accused were active participants in the murder of Gurlal Singh Bhalwan. They were part of the Lawrence Bishnoi gang who had admitted to have got the deceased murdered. Therefore, they were not entitled to the concession of bail. He, however, concedes that two material witnesses have not identified the accused who allegedly made the extra-

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judicial confessions before them as also the period of incarceration suffered by the petitioners.

7. I have heard the learned counsel for the parties.

8. Admittedly, the two material witnesses have not identified the accused who allegedly made extra-judicial confessions before them. Whether the other evidence available against the petitioners would be sufficient to establish their guilt would be a matter of adjudication during the course of the Trial. The petitioners are stated to be in custody since 24.02.2021 but only 08 of the 57 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, their further incarceration is not required

9. Thus without commenting on the merits of the case, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

10. The petitioners shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that they are not involved in any other crime other than the present case.

11. If the petitioners or their family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

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12. In addition, the petitioners (or anyone on their behalf) shall prepare an FDR in the sum of Rs.2,00,000/- each and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioners from trial without sufficient cause.

13. The petitions stand disposed of.

(JASJIT SINGH BEDI)
JUDGE

21.05.2024

JITESH

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