

2024:PHHC:080846



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M-27700-2024 (O&M)
Date of decision: 01.07.2024

Gurpreet Singh @ Mithu ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Jagdish Singh Mahal, Advocate
for the petitioner.

Mr. A. S. Samra, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed by the petitioner under Section 439 Cr.P.C., is for grant of regular bail in case bearing FIR No. 63 dated 28.09.2023, registered under Sections 302, 460, 380 of IPC (Sections 120-B and 34 of IPC added later on) at Police Station Jhander, District Amritsar.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on 28.09.2023 on the basis of the statement recorded by the complainant Resham Singh before SHO, Police Station Jhander alleging therein that he was the native of village Balbawa and was presently residing at Nawan Pind, District Amritsar. His elder brother Khushwant Singh used to remain out of station as he was a truck driver and his sister-in-law Rajwant Kaur used to stay at village Balbawa

2024:PHHC:080846



alone. On the same day at about 11.00 AM, on receipt of an information regarding death of Rajwant Kaur under suspicious circumstances, he rushed to village Balbawa and on reaching there, found the dead body of his sister-in-law Rajwant Kaur to be lying near the iron stairs. There were marks of injuries on her body. He was further informed that the sons of the victim had been making calls to her on phone since 26.09.2023 and as she did not pick up the calls, therefore, they had contacted Harman Singh, who on reaching her house, had found her to be dead. The complainant further alleged that the almirah and locker of the same were also found to be open, which showed that some articles lying therein were stolen. On the basis of this statement, a case under Sections 302, 460, 380 of IPC was registered. Investigation proceedings were initiated. During investigation proceedings, the accused Jugraj Singh @ Kaka and Jagpreet Singh @ Baja were arrested. They suffered their disclosure statements admitting their as well as petitioner's involvement in the subject crime, on the basis of which, Sections 120-B and 34 of the IPC were added and the petitioner was also arrested in this case. He too suffered disclosure statement admitting his involvement in this case. Investigation has since been completed. The petitioner had moved an application for grant of regular bail before the Court of learned Additional Sessions Judge, Amritsar, which had been dismissed on 29.02.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since long. Investigation has since been completed. Challan has been presented. He was not named in the FIR and has been implicated in this case on the basis of confessional

2024:PHHC:080846



statement of co-accused, which cannot be considered to be admissible in evidence. Trial is likely to take time. His custodial interrogation is no more required. Therefore, it is argued that the petition deserves to be allowed.

4. *Per contra*, it is has been argued by learned State counsel that there are serious and specific allegations against the petitioner. Not only the co-accused, but the petitioner himself has suffered confessional statement admitting that he had a hand in the murder of victim Rajwant Kaur. There is nothing on record to show that there would be any undue delay in conclusion of trial. There are chances of the petitioner's intimidating the material witnesses or absconding, if extended benefit of bail. Hence, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record.

6. As per the allegations, the petitioner along with the co-accused hatched a conspiracy and in pursuance of the same, criminally trespassed into the house of the victim Rajwant Kaur on the fateful night of 26.09.2023 and after committing theft of the property therein, committed the murder of the victim. The allegations against the petitioner are serious in nature. Simply because of the fact that he was not named in the FIR, he cannot be extended benefit of bail. The plea taken by learned State counsel that he may the petitioner may intimidate the material witnesses or abscond, if extended bail, cannot be stated to be unfounded, at this stage. Keeping in view the gravity of offences alleged to have been committed by the petitioner, the part played by the petitioner, the quantum of sentence which the conviction may entail and

2024:PHHC:080846



the attendant facts and circumstances, this Court is of the considered view that the petitioner does not deserve to be given concession of regular bail. Hence, the petition stands dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

01.07.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No