



CRM-M-35532-2024

-1-

**220 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-35532-2024

Date of Decision: 31.07.2024

Gurpreet Singh @ Gopi

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Akhilesh Vyas, Advocate, for the petitioner.

Mr. J.S. Arora, DAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Present second petition has been filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.142, dated 06.05.2020, under Sections 302, 454, 380, 34 of Indian Penal Code, 1860 subsequently challan has been filed under Sections 302, 450, 380, 201, 120-B, 34, 376-D of IPC (Section 454 IPC has been deleted and Sections 376-D, 120-B, 201, 450 of IPC, 1860 added later on), registered at Police Station Sadar Amritsar, District Police Commissionerate Amritsar.

2. Brief facts of the case are that Gurkirat Singh, son of late Nirmal Singh made a statement before the Police wherein he alleged that he is employed in the Punjab Police and was posted at Amritsar. His father had died three years ago and he used to live with his mother, namely Sarabjit Kaur (deceased). On 06.05.2020 at about 9.00 a.m., he received a phone call of Manpreet Kaur, daughter of his maternal uncle, who informed that she was unable to reach her Bua Ji through phone. At about 5.45 p.m., he again received a call from her informing that the phone of her Bua Ji was still switched off. Being suspicious, he called his neighbour, namely, Sunny Pal Singh asking him to go to his house and check why the phone of his mother



was switched off. On his asking, Sunny Pal Singh went to his house and found blood spilled near the kitchen. He informed this to neighbours and the complainant. Reaching home, he found the dead body of his mother, Sarabjit Kaur with a Dupatta tied around her neck. An injury of a sharp edged weapon was found on her neck. On checking the house, jewellery items and cash of Rs.22,000/- was found to have been stolen. It was stated that some unidentified persons with intention to loot had taken away the gold weighing 3 ½ Tola and Rs.22,000/- cash and also killed his mother Sarabjit Kaur. The request was made to take a legal action. On the basis of the allegations, a formal FIR was registered and the investigation commenced. The postmortem of the dead body was conducted on 07.05.2020. During investigation, the Investigating Agencies on 15.05.2020 recorded the statement of Kulbir Singh son of Savinder Singh wherein he deposed that Gurpreet Singh @ Gopi, Lakhwinder Singh and Amritpal Singh, who were already known to him approached him on 09.05.2020 and disclosed that they had done the sanitary work in the house of a lady namely Sarabjit Kaur and since she was financially well off, they became greedy and thus, on 06.05.2020 with an intention to commit theft of gold ornaments and cash, they committed murder of Sarabjit Kaur. They also requested him to help them as he was having good relations with the Police Department. The Investigating Agencies traced the call records and thus, on finding the involvement of petitioner in the offence, he was arrested on 07.05.2020. The petitioner approached the Court of learned Sessions Judge, Amritsar praying for grant of bail. However, after hearing both the sides, learned Sessions Judge declined the same vide order dated 19.10.2020. Aggrieved by the



CRM-M-35532-2024

-3-

same, petitioner on earlier occasion approached this Court praying for grant of regular bail by filing a petition bearing **CRM-M No.5145 of 2021**. However, the same was allowed to be dismissed as withdrawn vide order dated 16.03.2022. Hence, the petitioner is before this Court again by way of filing the present second petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in this case. He submits that as evident, the case of the prosecution is based on circumstantial evidences and thus, there is no direct evidence to connect the petitioner with the alleged offence. He submits that the Investigating Agencies have recorded the extra judicial confession of Kulbir Singh. He has submitted that all the material witnesses have already been examined and there are no chances of the petitioner influencing the prosecution witnesses, in case he is released on bail. He has submitted that the petitioner has been named by Kulbir Singh before whom he allegedly made extra judicial confession. He submits that the petitioner is in custody since the date of his arrest i.e. 07.05.2020. He has further submitted that co-accused Beant Singh @ Mithu has already been granted regular bail by this Court vide order dated 02.11.2023. He submits that trial of the case will take sufficient long time and no useful purpose would be served by keeping the petitioner behind the bars. He has further submitted that in these circumstances, the petitioner deserves to be enlarged on bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that out of total 33 prosecution witnesses, 24 witnesses have been examined and the trial is



CRM-M-35532-2024

-4-

likely to be concluded shortly as only 9 witnesses remain to be examined. However, he has admitted the fact that the co-accused has already been granted bail by this Court vide order dated 02.11.2023. He further submits that the petitioner alongwith the co-accused has committed heinous crime and as such he is not entitled to be released on bail.

5. Heard.

6. Evidently, the occurrence in question had taken place on 06.05.2020 wherein the mother of the complainant was found murdered at her home. As per postmortem, deceased was subjected to rape before her murder. As per case of the prosecution, in all four accused were found to be involved in the case including the petitioner. Out of 33 prosecution witnesses, 24 i.e. the material witnesses, have already been examined. The petitioner is behind bars for the last about more than four years. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail.

7. The trial is likely to take sufficient long time in its conclusion, so the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate.

8. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

31.07.2024

sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No