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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

(233)

CRM-M-39417-2024 (O & M)

Date of Decision:-22.08.2024

Major Singh

.....Petitioner.

Vs.

State of Punjab

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Amandeep Singh Jawandha, Advocate, for the Petitioner.

Mr. Prabhdeep Singh Dhaliwal, AAG, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this second petition under Section 439 of the Code of Criminal Procedure is for the grant of regular bail in case FIR No.87 dated 20.10.2022 under Sections 406, 312, 396, 506, 342, 120-B, 201, 148 and 149 IPC and Section 25/54/59 of the Arms Act registered at Police Station Harike, District Tarn Taran, Punjab.

2. The present FIR came to be registered at the instance of Simranjit Kaur daughter of Sukhdev Singh and reads as under:-

Statement of Simranjit Kaur D/o Sukhdev Singh son of Bhajan Singh, resident of Bhagat Ravi Dass Colony, Harike, aged about 20 years, Mob. 8968217686, made a statement that I am the resident of abovementioned address and I am 10+2 and we are two brothers and sisters. My elder brother Karanjit Singh is married to Baljinder Kaur daughter of Jasvir Singh, resident of Pakhoke and was married in January 2022. My brother Karanjit Singh had gone to Malesiya approximately 15 days before, on last night my father Sukhdev Singh, who is retired from Army and who is having 12 bore licensed rifle, we have



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main gate of our house and we and my sister-in-law after eating dinner went to sleep. My father Sukhdev Singh, who is found of watching TV and he watches TV till late night. That on the last night on 20.10.2022 at about 1:30/2:00 AM at night, three unidentified persons, who had covered their faces with cloths, who entered our house by scaling the main gate. Who walk me up and pointed pistol on me and they took me and my sister-in-law Baljinder Kaur in the store and who after threatening us with the pistol, told us that give us whatever is lying in the house otherwise they will kill us. We got very scared and who opened the box lying in the store and took away 12 bore rifle, which was lying there alongwith two gold rings and they bolted us in the store. After one hour, we broke the bold of store and came out and we saw that my mother Rajbir Kaur, aged about 42 years, who was lying on the cot in verandah and my father Sukhdev Singh who was watching TV in the lobby who was sitting on the chair, they both were killed with sharp edge weapons and both the hands of my father were tied with cloths and his neck was tied with cloths with the chair and I checked the almirah and found that Rs.30,000/- and three gold rings, in total five gold rings, Rs.30,000/- cash and 12 bore rifle was stolen after committing murder of my mother Rajbir Kaur and father Sukhdev Singh. Then I called my uncle Angrej Singh @ Geji son of Sital Ram resident of Harike on phone and after listening to our hue and cry, our neighbours also came and after leaving my sister in law Baljinder Kaur and neighbors on the spot with the dead bodies, I alongwith my uncle Salwinder Singh son of Bhajan Singh came to report the matter and you met me. I have given the statement and I am aggrieved. Legal action be taken against three unknown persons, who were carrying weapons and who entered our house and killed both my mother and father and committed the 74 loot. Sd/- Simranjit Kaur.



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Salwinder Singh son of Bhajan Singh was recorded to the effect that the murder of his brother Sukhdev Singh and sister-in-law Rajbir Kaur was committed by their daughter-in-law/Baljinder Kaur wife of Karanjit Singh and daughter of Jasvir Singh, Mukhtiar Singh @ Mukha son of Major Singh, Gurpartap Singh son of Darbara Singh, Jagroop Singh @ Rupa son of Mahal Singh and Major Singh (petitioner) son of Ajit Singh. On the basis of the said statement, Section 120-B IPC was added and all the persons were nominated as accused.

On the same day, the statement of Major Singh son of Mangal Singh was recorded to the effect that on 29.10.2022, after the Bhog ceremony of the victims, Baljinder Kaur-daughter-in-law of the victims had come to his house and confessed about the murder of her in-laws stating that the other accused had committed the act at her instance.

On the same day, the statement of Daljit Singh @ Rinku was recorded to the effect that on the intervening night of 19/20.10.2022, he had seen Jagroop Singh @ Rupa, Mukhtiar Singh @ Mukha, Gurpartap Singh coming on foot and on being asked, Mukhtiar Singh @ Mukha had disclosed that his niece Baljinder Kaur was being harassed and tortured by her in-laws because of which they had taught a lesson to her in-laws.

On 31.10.2022, the accused were arrested. Gurpartap Singh and Major Singh got recovered a 12 bore gun alongwith cartridge roll, Jagroop Singh and Mukhtiar Singh got recovered one *kirch* type *khanjar* (dagger) which was stained with blood, an iron hook used for picking socks/jute bags alongwith two pairs of anklets, one ladies watch and one gents watch.

3. The learned counsel for the petitioner contends that the



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petitioner has been falsely implicated in the present case. There was no admissible evidence inculcating the petitioner. As per the confessional statement, the petitioner did not accompany the other accused when they went to the house of the complainant and committed the murder of her in-laws. The recovery of the weapon was shown from the petitioner to shore up the prosecution case, though, the said fire-arm allegedly recovered was not used in the commission of the offence. As the petitioner was in custody since 31.10.2022 but only 03 out of the 25 prosecution witnesses had been examined so far, and the Trial of the present case was not likely to be concluded anytime soon, therefore, he was entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, contends that it was a case of double murder wherein the parents of the complainant were brutally done to death at the instance of the accused. There was sufficient circumstantial evidence by way of extra-judicial confessions, last seen evidence and recoveries of weapons/stolen articles. The first bail application of the petitioner was argued and withdrawn as recently as on 24.04.2024. Merely because the petitioner was in custody since 31.10.2022 did not entitle him to the concession of bail looking at the serious nature of the allegations. He, however, concedes that only 03 of the 28 prosecution witnesses have been examined so far.

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

6. As per the case of the prosecution all the accused persons brutally committed the murder of both the deceased at the instance of their daughter-in-law. Baljinder Kaur. Pursuant to the arrest of the accused, recoveries of weapons and stolen articles were effected. There are statements of witnesses before whom the accused made extra-judicial



confessions and there is evidence of motive as well. Therefore, keeping in view the serious nature of the allegations, the petitioner is not entitled to the concession of bail, moreso, when his first bail application was withdrawn as recently as on 24.04.2024.

7. In view of the above discussion, I find no merit in the present petition and the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

August 22, 2024
sukhpreet

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