

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

Neutral Citation No. 2024:PHHC:031045

Reserved on: February 28, 2024

Pronounced on: March 05, 2024

CRM-M-47172-2022

Karamjit Singh alias Bunty

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Argued By: - Mr. Gopal Sharma, Advocate for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

DEEPAK GUPTA, J.

By way of present petition filed under Section 439 Cr.P.C. read with Section 167(2) Cr.P.C., petitioner prays for his release on regular bail in a case arising out of FIR No.75 dated 06.10.2019, under Sections 302, 109, 115, 118, 119, 182, 120-B, 34 of IPC (Section 25 of the Arms Act, 1959, Sections 148, 149 IPC added later on; and Sections 119 and 34 of IPC deleted), registered at Police Station Qila Lal Singh, Batala, District Gurdaspur.

2. FIR was lodged on the statement of Gurmeet Kaur, the wife of deceased Jaswant Singh (*also referred as Jagwant Singh in the police report*). Said complainant – Gurmeet Kaur is now also the co-accused in this case. Said Gurmeet Kaur was earlier married to Balbir Singh, the brother of deceased Jaswant Singh. On the death of Balbir Singh in 1994, she performed marriage with his brother i.e., deceased Jaswant in 1999. She along with her husband Jaswant Singh and two children, namely Amritpal Singh and Prabhjot Kaur were residing in a Dera in village

Vinijhwan. It was alleged that on 05.10.2019 at about 8.30 p.m., someone

called Jaswant Singh. He went outside. Complainant – Gurmeet Kaur heard noise of firing shots. She sent her son Amritpal Singh to call neighbour Sukhdev Singh but, due to fear, she did not go outside. After some time, Sukhdev Singh called from outside telling that someone had caused injuries to Jaswant Singh. She then went outside, where neighbour Amarjit Singh told that he had seen two motorcycles going from the spot and had heard the noise of firing. She alongwith neighbours Jagroop Singh, Amarjit Singh and Sukhdev Singh took her injured husband – Jaswant Singh to the hospital, where he was declared brought dead. On the statement of Gurmeet Kaur, the FIR was registered.

3.1 As per status report filed by respondent-State, on 10.12.2019, Ranbir Kaur, the sister of deceased Jaswant Singh made statement suspecting the role of complainant – Gurmeet Kaur in the murder of Jaswant Singh. On 22.12.2019, one Budha Singh made statement to the police stating that Gurmeet Kaur had confessed before him that she had got her husband killed with the help of Jatender Singh etc. as she was having illicit relations with Jatinder Singh. Gurmeet Kaur was nominated as accused and arrested on 24.12.2019. The role attributed to Jatinder Singh was found to be incorrect.

3.2 On 24.12.2019, Kabal Singh was joined in the investigation, who disclosed that in fact, Gurmeet Kaur had got her husband killed through Balkar Singh @ Bawa (co-accused). On 27.12.2019, Gurmeet Kaur suffered disclosure statement stating that she had illicit relations

with Charanjit Singh @ Channa and had committed the murder of her husband in connivance with Balkar Singh @ Bawa and Charanjit Singh @ Channa in exchange for release of mortgaged land of Charanjit Singh Channa and that they had hired Harpal @ Bhalla and Harwinder Singh @ Timmi.

3.3 On 27.12.2019, Charanjit Singh @ Channa was arrested, who in his disclosure statement also nominated Amritpal s/o Timmi; and Bunty (*present petitioner*), the nephew of Timmi to be involved in the crime. It was stated that it is Harpal Singh @ Bhalla, Harwinder Singh @ Timmi, Amritpal S/o Timmi and Bunty @ Karamjit Singh, who had executed the murder of Jaswant Singh in conspiracy with Balkar Singh @ Bawa and Gurmeet Kaur. Harpal Singh @ Bhalla, Amritpal S/o Timmi and Harwinder Singh @ Timmi were arrested from time to time. From the possession of Harwinder @ Timmi, who was arrested on 02.01.2020, a .32 bore revolver and a kirch were recovered. After completion of investigation, final report under Section 173 Cr.P.C. was filed against the arrested accused.

3.4 Later on, petitioner – Karamjit Singh @ Bunty was arrested on 09.06.2021 and a pistol used in the crime besides the kirch were recovered from him. The recovered pistol was in broken condition. After completion of investigation, supplementary challan was filed.

4. It is contended by learned counsel that petitioner – Karamjit Singh @ Bunty has been falsely implicated on the basis of disclosure statement of co-accused Charanjit Singh @ Channa; that co-accused Amritpal Singh, Charanjit Singh @ Channa, Harwinder Singh @ Timmi, Gurmeet Kaur, Balkar Singh @ Bawa and Harpal Singh @ Bhalla have already been allowed bail by the Court from time to time; that the petitioner is in custody for the last more than 02 years and 04 months; that his case is on parity with the co-accused and so, in all these circumstances, he be allowed bail.

5. Learned State counsel has opposed the bail petition by pointing out towards the gravity of the offence and the role attributed to the petitioner to the effect that he along with co-accused used deadly weapons, so as to commit the murder of Jaswant Singh and that in case of grant of bail, he may tamper with the evidence. Attention is also drawn towards the criminal antecedents of the petitioner, who is involved in 05 other cases.

6.1 During arguments, it was informed to this Court by learned State counsel on 07.11.2023 that two bullets had been retrieved from the dead body of deceased Jaswant Singh, which had been sent to FSL alongwith two arms as recovered during investigation; that one of the arm was recovered from the possession of petitioner – Karamjit Singh @ Bunty; whereas the another arm was recovered from co-accused Hawinder Singh @ Timmi.

6.2 On the direction of this Court, the ballistic report has been placed on the record alongwith the fresh status report filed by way of affidavit dated 28.02.2024 of Ms. Kushbir Kaur, Deputy Superintendent of Police, Sub Division Fatehgarh Churian, Police District Batala. As per the said status report accompanied by the ballistic report, the country made pistol as recovered from Harwinder Singh @ Timmi was found to be in working condition and that no opinion could be offered with regard to the cartridge retrieved from the dead body, as to whether it had been fired or not from the said pistol. As far as the pistol recovered from petitioner – Karamjit Singh @ Bunty is concerned, it was found to be not in working condition.

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

8. It is not disputed that co-accused Amritpal Singh and Charanjit Singh @ Channa have already been allowed bail by a co-ordinate Bench of this Court vide orders dated 12.10.2020 (Annexure P-2 and P-3 respectively). Co-accused Balkar Singh and Harpal Singh have been allowed bail vide order dated 02.03.2021. Co-accused Harwinder Singh @ Timmi and Gurmeet Kaur were allowed bail on 29.11.2021 passed in CRM-M-35843-2020 and CRM-M-1980-2021 (Annexure P-5).

9. While granting bail to petitioner Harwinder Singh, a co-ordinate Bench of this Court in its order dated 29.11.2020 (Annexure P-5) passed in CRM-M-35843-2020, has observed as under:-

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*“The prosecution version is that petitioner-Gurmeet Kaur conspired with Balkar Singh and Charanjeet Singh to eliminate her husband i.e. deceased Jaswant Singh and the **said Balkar Singh and Charanjeet Singh** hired Amritpal Singh as well as the present petitioner **Harwinder Singh along with another co-accused Bunty** to execute the **said conspiracy**. Once, the co-accused who are alleged to be the conspirators of the crime as well as executor of the said conspiracy have already been granted regular bail by the Co-ordinate Bench of this Court, the petitioners, who are behind the bars for the last 2 years and the allegations against them are yet to be proved have made out a case for the grant of regular bail as keeping the petitioners behind the bars during entire period of trial will achieve no useful purpose especially when learned counsel for the petitioners have undertaken before this Court that the petitioners will not influence the trial in any manner and will maintain good conduct, if they are granted bail. In case of default of the undertaking, the State will be at liberty to approach this Court for passing appropriate orders.”*

10. It is apparent that as per the prosecution version, the role of petitioner – Karamjit Singh @ Bunty is on similar footing as that of Harwinder Singh @ Timmi. Harwinder Singh @ Timmi has already been allowed bail on 29.11.2021 as has been observed above. Petitioner is in custody for the last 02 years, 04 months and 25 days, as per the custody certificate. The pistol as recovered from the petitioner has not been found to be in working condition. His name has surfaced in the crime on the basis of disclosure statement of co-accused Charanjit Singh @ Channa. In these circumstances, merely because the petitioner is involved in other cases, cannot be a reason to decline bail to him, particularly when his role is found to be on parity with co-accused Harwinder Singh @ Timmi.

11. Having regard to all the aforesaid facts and circumstances, but without commenting anything further on the merits of the case, petitioner is admitted to bail. He is ordered to be released on regular bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate concerned, on usual terms and conditions.

March 05, 2024	(DEEPAK GUPTA)
Sarita	JUDGE
Whether reasoned/speaking:	Yes/No
Whether reportable:	Yes/No