



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

222

CRM-M-44147-2024

Date of decision: 11.09.2024

Amandeep Singh @ Aman

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Atul Jain, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.282 dated 16.10.2022 under Sections 460, 34 of the IPC registered at Police Station Sultanpur Lodhi, District Kapurthala.

2. Learned counsel for the petitioner has, at the outset, drawn the attention of this Court to the FIR which has been annexed as Annexure P-1 and has been reproduced hereinunder:-

“Statement of Sukhwinder Singh son of Joginder Singh resident of Tarfaji, Police Station Sultanpur Lodhi, District Kapurthala, aged about 46 years, Mobile No. 81467-57440, Stated that I am the resident of above said address and is an agriculturist. We are five brothers and sisters; elder of all is Jarnail Singh. I am younger to him. Younger to me is my sister Lakhwinder Kaur and youngest of all is my brother Balwinder Singh, all are married. My sister Lakhwinder Kaur, who was married in Village Amritpur Channa, Police Station Talwandi Chaudhaurian, who is having matrimonial dispute with her in laws family, is residing with me for the last about four years. My father



CRM-M-44147-2024

had died in the year 2014. My mother Harbans Kaur is residing in the house of my elder brother Jarnail Singh, who has died in the year 2004. My brother Jarnail Singh is having two sons, elder son Narinderpal Singh is residing in Italy and younger son Rawinder Singh, is an agriculturist in the village. Today at about 12.15 PM in the night, I was sleeping in my house then my elder sister in law Jaswant Kaur telephonically informed me that some unknown persons have come to the house and are kicking the door. They have bolted the door from inside and unknown persons have switched off the electricity of the house, then I along with my son Gurjant Singh went to the house of my elder brother Jarnail Singh. Light of the inverter was on, since there was no electricity before entering the house, I shouted who are you, then on hearing my shout, two unknown persons with muffled face ran in the fields after jumping the wall. When my sister in law Jaswant Kaur opened the gate, then we went inside and saw that my mother Harbans Kaur, who was sleeping in the porch of the house, unknown persons had put her cot in the court yard and tied both her arms towards back of the head with the yellow Saropa, which my mother had got from different Gurudwara, which she used to keep with her in bag and tied both the legs with the sheet, gagged the mouth of my mother with my colour handkerchiefs, murdered her with blue Siropa. For giving the information regarding the incident, I along with my nephew Ravinder Singh son of Jarnail Singh were going to Police Station Sultanpur Lodhi, then you met us. Statement regarding the above said incident has been recorded to you, heard and admitted to be correct. Appropriate legal action be taken against the unknown persons and justice be done to us. Sd/- Sukhwinder Singh, 81968-57440 witnessed Sd/- Ravinder Singh (77197-82600) attested Sd/- Jaspal Singh, SI, SHO, Sultanpur Lodhi.”

3. Learned counsel for the petitioner has submitted that a perusal of the above reproduced FIR clearly reveals that it was registered against two unknown individuals, who had allegedly scaled the walls of the house of the deceased, and after tying her up, and gagged her to death, had fled away away from the spot. Learned counsel has submitted that as per the case of the prosecution, the two

**CRM-M-44147-2024**

unidentified persons were with muffled faces and were seen jumping the wall of the house by the daughter in law of the deceased when she reached the house of the deceased; there was, however, no suspicion raised qua the involvement of the petitioner in the crime in question. It has been further argued that 12 days after the alleged occurrence on 28.10.2022, the complainant got a supplementary statement recorded under Section 161 of the Cr.P.C. wherein he for the first time raised a suspicion qua the involvement of the petitioner and two others in the murder of his mother Harbans Kaur. Learned counsel has vehemently argued that the case at hand hinges on circumstantial evidence, and motive to commit the crime against the petitioner, which plays a pivotal role in such like crimes is not even forthcoming, either in the FIR in question or even in the supplementary statement of the complainant. Learned counsel has submitted that in the circumstances, the petitioner being falsely implicated and that too on the basis of a vague apprehension of the complainant, is clearly discernible. It has still further been argued by the learned counsel that after the petitioner was arrested almost two years back on 28.10.2022, the trial had been proceeding at a snail's pace. The charges were framed only on 15.04.2024 and thereafter also only two prosecution witnesses had been examined in chief and that too partly. Hence, the possibility of the trial concluding in the near future did not arise moreso, when as many as 16 prosecution witnesses had been cited.

4. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on



CRM-M-44147-2024

instructions, has not disputed that the FIR in question was indeed lodged against two unknown assailants, however, it has been submitted that after the complainant got recorded his supplementary statement on 28.10.2022, the police swung into action and proceeded with the interrogation of the petitioner. During investigation, it came to the fore that the petitioner along with co-accused Charanjit and Balwinder had trespassed into the house of the deceased on the fateful night, after tying her up had gagged her to death.

5. On a pointed query put to the learned State counsel as to whether any motive to commit the crime in question had surfaced during investigation, he, on instructions has fairly replied in the negative, however, it has been asserted by the learned State counsel that the crime in question had been carried out for committing theft in the house of the deceased and that is the reason why the petitioner and the co-accused had been charged for offences under Section 460 of the IPC. On a further query put to the learned State counsel as to whether any other incriminating material had been collected against the petitioner to link him with the crime in question, he, on instructions has replied in the negative. Learned State counsel, however, has not disputed the stage of trial and has submitted that the next date fixed before the learned Trial Court is 26.09.2024 when recording of the prosecution evidence of the partly examined witnesses as well as the other prosecution witnesses is likely to take place.

6. Learned counsel appearing for the petitioner has controverted the instructions received by the learned State counsel qua



CRM-M-44147-2024

the motive to commit the crime. It has been submitted that had there been any motive on the part of the petitioner and co-accused to commit theft, the ornaments which the deceased was wearing on her person, would not have been left behind, and still further neither was it alleged in the FIR in question that any theft had been committed in the house of the deceased nor is it the case of the prosecution that after the petitioner was arrested, any stolen items/articles of the deceased had been recovered from him.

7. I have heard learned counsel for the parties and perused the material placed on record.

8. It has not been disputed that the petitioner has been in custody since 28.10.2022 in a case resting on circumstantial evidence. Other than the supplementary statement recorded by the complainant wherein he raised suspicion qua the involvement of the petitioner and two others in the murder of his mother, no other incriminating evidence has come to the fore till now. The trial is unlikely to conclude in the near future as 14 prosecution witnesses still remain to be examined. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

9. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

10. Needless to add, in case the petitioner misuses the



CRM-M-44147-2024

concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

11.09.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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