



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

(222)

**CRM-M-50418 of 2023
Date of Decision: 26.11.2024**

Gurjant Singh

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr.Lupil Gupta, Advocate, for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J.(ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.58 dated 29.03.2019 under Sections 302, 34 of the IPC, 1860 registered at Police Station Sadar Fazilka, District Fazilka.
2. Learned counsel for the petitioner submits that a false and fabricated case has been planted upon the petitioner for murdering the son of the complainant on account of his alleged illicit relationship with the wife of the deceased. It has been contended by the learned counsel for the petitioner that even though the petitioner was arrested in the present case way back on 30.03.2019. However, till date the trial has not concluded. Hence, the petitioner deserves to be enlarged on bail on this alone.
3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite has drawn the attention of this court to the allegations levelled in the FIR in question which has been annexed



as Annexure P-1 and stands reproduced hereinunder:

“ FIR No.58 dated 29.3.2019 Under Sections 302/34 of IPC 1860, registered at Police Station Sadar Fazilka, District Fazilka.

*Statement of Kashmir Singh son of Deva Singh, caste Rai Sikh resident of village Hasta Kalan, aged about 78 years, mobile number 98555-65094, stated that I am the resident of the above-mentioned address and work as a labourer. I have five children. Eldest son is Chhinder Singh aged about 40 years, then a girl younger than him Soma Bai, then Pasho Bai, a boy younger than her Sandeep Singh and Mohinder Singh younger than him. My two sons Chhinder Singh and Mohinder Singh are married who reside in separate houses. Both of my daughters are married. My son Sandeep Singh who is deaf and dumb is not married yet. The marriage of my son Chhinder Singh got solemnized about 20 years ago with Biro Bai daughter of Jayar Singh resident of New Hasta Kalan. My son Chhinder Singh do not have any children. My son Chhinder Singh has adopted his brother-in-law's daughter, whose name is Pooja Rani and aged about 16 years. The house of my son Chhinder Singh is at some distance from my house. My son Chhinder Singh works as daily wage worker at sheller. My daughter-in-law Biro Bai had illicit relations with **Gurjant Singh** son of Mukhtiyar Singh of his paternal village New Hasta Kalan. My son Chhinder Singh and we restrained my daughter-in-law Biro Bai several times from committing such act but my daughter-in-law and **Gurjant Singh** did not listen. Last night at about 1 AM, Bagga Singh @ Jagdish Singh son of Kakku Singh resident of Hasta Kalan came to my house, who apprised me that loud noises of a dispute are being heard from your son Chhinder Singh's house. Then me and my wife Sheelo Bai went to my son Chhinder Singh's house and when we reached at the gate of my son Chhinder Singh's house then my daughter-in-law Biro Bai and **Gurjant Singh** son of Mukhtiyar*



*Singh resident of New Hasta Kalan ran out of the house. Then me and my wife went inside and saw that my son Chhinder Singh was lying on the bed, whom we tried to move but he did not, then we saw Chhinder Singh properly in light, then we observed small injury marks on the neck of my son Chhinder Singh. When we checked full body then we found injury marks on patalu of Chhinder Singh. Whereupon the village persons revealed that my son Chhinder Singh has been killed by my daughter-in-law Biro Bai and **Gurjant Singh** son of Mukhtiyar Singh by strangulating and choking him. The cause of the dispute is such that my son Chhinder Singh restrained my daughter-in-law and **Gurjant Singh** from having illicit relations due to which they have killed by son Chhinder Singh in collusion with each other. I made my relative Satnam Singh son of Har Singh resident of Hasta Kalan sit near the dead body and I was coming alongwith Roop Singh son of Deep Singh resident of Hasta Kalan to give the information to you but we have found you on the River Bridge, Hasta Kalan. We have recorded the statement with you. heard it and admit the same to be correct. Action be taken LTI Kashmir Singh, confirmed by SD Roop Singh son of Jeet Singh resident of Hasta Kalan, verified by SD Joginder Singh SI. SHO Police Station Sadar Fazilka Dated 29.03.2019. Police Investigation: Today 1 SI/SHO was present in the police station when an information was received from the village Hasta Kalan that Chhinder Singh son of Kashmir Singh resident of Hasta Kalan has been murdered, whereupon I SI/SHO alongwith Balkar Singh 933/FZK, HC Manjit Singh 267, C Gurpreet Kamboj 1273, C Parminder Singh 1117, PHG Bhagwan Singh 6875.PHGBachan Singh 6958 departed in a government vehicie Scorpio bearing registration No. PB-05-S-4841, the driver of which is HC Lakhwinder Singh 46/FZK, towards the village Hasta Kalan in connection with carrying out investigation. When the police party reached on the River Bridge of Hasta Kalan then Kashmir Singh*



*came upto myself SI/SHO and recorded his above said statement, which was written and read out, and after admitting the same to be correct, he put his left thumb impression and Roop Singh son of Jeet Singh resident of Hasta Kalan put his signatures in English and supported the statement, which was then verified by myself SI/SHO. From the transcript of the statement, offence under Sections 302, 34 IPC is made out. Statement for registration of case against **Gurjant Singh** son of Mukhtivar Singh resident of New Hasta Kalan and Biro Bai wile of Chhinder Singh daughter of Jagar Singh resident of Hasta Kalan is being forward to the Police Station through C Gurpreet Kamboj1273/FZK. Case number be intimated after the registration of case. Special reports be issued. I SI/SHO proceed towards the place of occurrence alongwith fellow police officials and the complainant. Information be transmitted to PCR. Sd/ Joginder Singh SI SHO Police Station Sadar Fazilka. Today at River Bridge Hasta Kalan in the area of village Hasta Kalan at 12:30 PM. After receiving the statement through Gurpreet Kamboj 1273/FZK in the Police Station, case under above sections against the abovementioned accused persons has been registered and copy of the FIR alongwith original statement is being forwarded to SI/SHO at the place of occurrence through messenger Constable. Special reports are being issued and forwarded to llaqa Magistrate and senior officials through Constable Rajinder Kumar No. 1328/FZK. Information is being transmitted to PR/FZK through email..."*

4. It has also been submitted by the Learned State counsel on instructions submitted that the complainant while stepping into the witness box had supported the case of the prosecution in its entirety which ruled out any false implication of the petitioner. Still further learned State counsel has submitted that although the trial has been lingering for the past 5 years,



however, now the trial is nearing conclusion as it is fixed for recording of defence evidence.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. Keeping in view the stage of trial and the factum of the complainant (alleged eye-witness and father of the deceased) and supporting the case of the prosecution, this Court does not deem it fit to extend the concession of bail to the petitioner. The present petition is dismissed accordingly. 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. The trial Court is directed to make honest effort to conclude the trial at the earliest preferably on or before 31.01.2025.

26.11.2024
anil

(MANJARI NEHRU KAUL)
JUDGE

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