



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

224

CRM-M-48144-2024(O&M)
Date of Decision: 03.12.2024

RAJESH KUMAR

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Gurnoor Singh Sethi, Advocate for the petitioner.
Mr. Satjot Singh, AAG, Punjab.
Mr. Arshdeep Singh, Advocate for the complainant.

MANISHA BATRA, J. (Oral)

1. This is a petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case arising out of FIR No.92 dated 24.06.2023 initially registered under Section 346 of IPC (Sections 302, 201, 148, 149, 420 and 468 and 120-B of IPC added later on and Section 346 of IPC deleted) at Police Station Sirhind, District Fatehgarh Sahib, Punjab.
2. Adumbrated facts as emanating from the record are that the aforementioned FIR was initially registered under Section 346 of IPC against unknown persons on the basis of statement recorded by the complainant-Jeevandeep Kaur alleging therein that on 19.06.2023, her husband Sukhjit Singh who was addicted to liquor, had left home on his motorcycle at around 06.00 PM while informing that he was going to bring liquor from Sirhind Liquor Vend. He did not return home that night and also



did not respond to the calls made on his phone. In the next morning, she had gone to her father-in-law and they had made search for her husband whose motorcycle was found parked on the rough track of the canal. His footwear were also lying on the bank of the canal. On making further search, his phone was found buried in the soil wrapped in a handkerchief at a distance of about 01 km from the canal bridge.

3. After registration of FIR, investigation proceedings were initiated. On 25.06.2024, the complainant along with her father-in-law approached the police officials informing that she had received information about some accident having taken place in the area of Police Post Basantpura Chowk on the intervening night 19/20.06.2023 and doubted that her husband had died in the said accident. On hearing so, S.I. Amarjit Singh established contact with the in-charge of Police Post Basantpura who disclosed that one Gurpreet Singh Cheema resident of Ramdas Nagar had died in the accident qua an FIR No.58 had been registered and also informed that after conducting postmortem examination of the dead body, the same had been handed over to the family members of the deceased. On raising suspicion, S.I. Amarjit Singh reached at the spot of the accident from where suspicious blood stained gravel and hair were collected. The photographs of the dead body were shown to the complainant who identified the dead body to be that of her husband Sukhjit Singh.

4. As per the further allegations, the complainant Jeevandeep Kaur then recorded a supplementary statement before the police to the effect that her deceased husband was having friendly relations with the accused



Gurpreet Singh and had told the complainant that the former not only used to bring liquor for him but also used to give money to consume the same. She raised suspicion that her husband had been killed by the accused Gurpreet Singh in connivance with his wife Khushdeep Kaur and his companions which included the present petitioner and also informed that the accused Gurpreet Singh had taken out several life insurance policies of huge sums of money and by showing his death in an accident with an intent to get the claimed amount of insurance, he had made her husband unconscious by giving him liquor laced with some poisonous substance and, thereafter, crushed him to death with a truck and showed himself to be a dead. The statements of the other witnesses were also recorded. Offence under Section 346 of IPC was deleted and offences under Sections 302, 201, 148, 149 and 120-B of IPC were added. The accused Gurpreet Singh and Khushdeep Kaur along with their unknown companions were nominated as such. During the course of investigation proceedings, the accused Gurpreet Singh and Khushdeep Kaur were arrested. They suffered disclosure statements admitting the factum of their involvement in the murder of the victim and also took the names of the petitioner and other co-accused and on the basis of same, the petitioner was also arrested on 27.06.2023. Investigation has since been completed. The petitioner along with the co-accused is facing trial for commission of aforementioned offences.

5. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He runs a photostat and lamination shop in Judicial Complex, Fatehgarh Sahib since 2003. The disclosure statements



suffered by the co-accused cannot be considered to be admissible in evidence against him. The petitioner has not been attributed any role in the homicidal death of the victim. The only allegations as levelled against him are that the co-accused Gurpreet Singh visited his shop to get the Adhaar card of his wife and himself photocopied and since the original Adhaar cards were with him, therefore, he has been involved in this case by showing recovery thereof from him. He has been nominated as accused on the basis of statement allegedly recorded by Jagtaar Singh, cousin of the victim Sukhjit Singh alleging that he had over heard some conversation between the petitioner and co-accused Gurpreet Singh and Khushdeep Kaur while the former was suggesting the co-accused to get his life insurance policies prepared and then to show himself as dead in an accident by planting dead body of some other person. Such statement is totally unnatural and improbable. He is in custody since long. The complainant already stands examined. The trial is likely to take time. His custodial interrogation is no more required. No useful purpose would be served by detaining him in custody any more. He had no hand in the death of the victim even as per allegation in the FIR. With these broad submissions, it is urged that he deserves to be released on bail.

6. *Per contra*, learned State counsel has argued that in terms of status report as filed by respondent-State that there are serious allegations against the petitioner. He had hatched a conspiracy with the co-accused Gurpreet Singh and Khushdeep Kaur as well as other accused and in pursuance of that conspiracy, the victim had been made to consume liquor and when he



was in state of heavy intoxication, he was made to lie on the road and was crushed to death with a truck driven by the co-accused Jaspal Singh. Even his head/face was crushed so that the dead body could not be recognise so as to show it as a case of accidental death. As per the further allegations, the dead body of the victim was identified as that of accused Gurpreet Singh by the co-accused Khushdeep Kaur when she was accompanied by co-accused Sukhvinder Singh and the petitioner as well and all this was done so that the accused Gurpreet Singh who was a friend of the petitioner, could get the amount of several Life Insurance policies which he had got issued in his name in connivance with the petitioner. It is submitted that the complicity of the petitioner in hatching a conspiracy for murder of the victim, has been prima facie established from the material collected during investigation. The trial is going on at a proper pace. Therefore, it is urged that the petitioner does not deserve to be released on bail.

7. I have heard learned counsel for both the parties at considerable length and has been perused the record carefully.

8. The petitioner is alleged to be a part of the conspiracy which was hatched by the accused Gurpreet Singh and his wife Khushdeep Kaur to commit murder of the victim Sukhjit Singh to show it a case of accidental death of the accused Gurpreet Singh by projecting the dead body to be that of Gurpreet Singh with an intention to get money from the Insurance Policies taken in the name of the accused Gurpreet Singh. The allegations against the petitioner are serious in nature. He is also alleged to be one of the persons present along with the co-accused Khushdeep Kaur at the time when



the last rites of the body of the victim were performed while showing the same to be the dead body of the co-accused Gurpreet Singh, who was actually alive. There is nothing on record to suggest that there would be any undue delay in conclusion of the trial. Taking into the consideration the nature of the allegations as leveled against the petitioner which *prima facie* suggest his complicity in hatching a conspiracy to commit the said offences by the co-accused, the quantum of sentence which the conviction may entail and the attendants facts and circumstances but without meaning to make any comments on the merit of the case, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

9. Pending application, if any, also stands disposed of.

(MANISHA BATRA)
JUDGE

03.12.2024
Deepak Patwal

- 1. Whether speaking/reasoned : Yes/No
- 2. Whether reportable : Yes/No