

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.51785 of 2024
Reserved on: 08.11.2024
Pronounced on: 25.11.2024

Rajinder Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sanjeev Kumar Bansal, Advocate for
Mr. A.K. Batra, Advocate
for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
265	06.11.2021	Beas, Amritsar	302 IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 17 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“ 2. That the brief and relevant facts of the case are that the aforesaid FIR No. 265 dated 06.11.2021 on the basis of the statement of Prabhjit Singh son of Nirmal Singh, who had stated therein that the marriage of his younger sister Sharanjit Kaur was solemnized with Rajinder Singh (petitioner) in 2010 and out of the wedlock two children were born and his brother-in law Rajinder Singh (petitioner) was having illicit relations with Amandeep Kaur wife of Sarabjit Singh and his sister Sharanjit Kaur was aware about the same. He further alleged that his brother in law used to get Amandeep Kaur at their house due to which quarrel remained between his sister and brother in law Rajinder Singh (petitioner), as his sister used to stop him from doing so but he used to beat his sister. He further alleged that on 4/5.11.2021, his mother called his sister Sharanjit Kaur, but her phone was switched off due to which he came to meet her sister and he saw that his sister Sharanjit Kaur and his niece Roseleen Kaur

were lying dead and he had a suspicion that they have been killed by his brother in law Rajinder Singh (petitioner) and Rajinder Singh has been helped by his brother Jatinder Singh to kill both his sister and niece, as they were residing in the house which was in the name of Jatinder Singh. The detailed facts the aforesaid statement have been attached with the petition as Annexure P-1, which may kindly be read as the part of the present paragraph as same are not repeated here for the sake of brevity."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

"Role of the petitioner

5. That the petitioner was arrested on 17.11.2021 during the course of the investigation by the investigating officer. During the custodial interrogation, the petitioner suffered a disclosure statement dated 17.11.2021, disclosing therein that he had murdered Sharanjit Kaur as she had come to know about his illicit relation with Amandeep Kaur due to which fight used to remain in the house. He further disclosed that he came to his house through flight from Bihar and thereafter at about 11:00 PM, he entered into his house by climbing through the wall and started beating his wife Sharanjit Kaur and thereafter strangulated his wife with a head cloth (parna). He further disclosed that he had a fear that his daughter Roseleen Kaur would disclose the whole incident to other family members. So he murdered his daughter Roseleen Kaur and before leaving the house, he opened the gas pipeline of the house so that the house would catch fire and no one will have suspicion over him. The head cloth (parna) used by the present petitioner to murder his wife and daughter was presented by the petitioner, which was taken into police possession vide recovery memo dated 17.11.2021.

Evidence against the petitioner

6. That the evidence against the petitioner is in the form of oral statement of the complainant recorded under section 161 Cr.P.C by the investigating officer, which is corroborated with the post mortem reports of the deceased Sharanjit Kaur and Loveleen Kaur."

7. However, it would also be relevant to refer to the relevant portions of statements of the star witnesses, annexed with the petition, as PW-1 & PW-2, both of whom have turned hostile and did not support the prosecution, despite PW-1 being the deceased's real brother. Even during their cross-examination, they did not budge and remained hostile:

"On S.A. PW-2

Statement of victim A. Singh aged about 07 years son of R.Singh (in camera)

“ XXXX XX

From the above-said questions answers, it is apparent that witness is understanding the present situation and able to given rational answers as well as to adduce evidence.

Stated that I do not know anything about this case and came to know about this case after coming to the court. I do not know the accused shown through Video Conference. I have never seen the accused earlier. He never committed any wrong with me and my family.

At this stage, learned Addl. Public Prosecutor for the State requested that witness is suppressing the truth and resiled from statement recorded during investigation, therefore, he may be declared as hostile and request is allowed.

PW-1 Prabhjit Singh 500 of Nirmal Singh, resident of VPO Shahpur, Tehsil Baba Bakala Sahib, Distt Amritsar. On SA

Stated that I returned back from Saudi Arab from Lam elder one in my family and I have two Paneet Kaur and Sharanjit Kaur aged about 30 09.10.20~~09~~ younger sisters years. Sharanjit Kaer was married in the year 2010 with Rajinder Singh and they were having two children. Elder one is female baby aged about 7-8 years at that time and male boy Abhijot Singh of 04 years at that time. Since 04 years back from 2021, family of my sister was residing at Baba Bakala Sahib. My brother in law Rajinder Singh accused present in the court at that time, was serving at Ramgarh Center in Army Department. Accused present in the court was living happily in his family and no dispute ever arose between the family of my sister. My sister and my niece was murdered by some one, but I do not know who committed their murder. Accused present in the court never committed murder of my sister and niece. Accused remained faithful with my sister.

XXXX XX

My sister and accused were leading a happy married life. My sister and accused were having cordial relations and had no nature of dispute between them. The accused was not having any illicit relations with any lady and was faithful towards my sister.”

8. Given the prima facie analysis of statements recorded by the Trial Court, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.

9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any

nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. This order is subject to the petitioner’s complying with the following terms.

13. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

14. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

15. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

16. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

17. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

25.11.2024

Sonia Puri

Whether speaking/reasoned: Yes

Whether reportable: No.