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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-61186-2023 (O & M)
Date of decision: 02.05.2024

Vikramjit Singh

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Charanpuneet Singh, Advocate,
for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

Mr. Kuldeep Singh Saini, Advocate,
for the complainant.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.37 dated 28.03.2022 under Sections 302, 346, 34, 201 IPC and Sections 25, 27 of the Arms Act registered at Police Station Samrala, District Khanna (District Ludhiana).

2. The present FIR came to be registered at the instance of Manpreet Singh and reads as under:-

*“Application no 175/5D PS/SML 27.03.2022 UID No: 2283924
'Respected SHO Police Station Samrala, Subject:- Complaint
against Laddu resident of village Mutio police station Samrala
district Ludhiana and his companions, regarding the detention
of Surinder Singh, son of Baldev Singh Village, Kotala police
station Samrala. Sir, it is humbly requested that I Manpreet
Singh Son of Baldev Singh resident of village Kotala police*

station Samrala district, Surinder Singh is my elder brother. He is married. He works at Veer Singh & Sons factory at Bondali village. On 24.3.2022, at around 7:30 AM, my brother and Sonu from my village had gone to work at the factory on a motorcycle. When my brother did not return home in the evening, we asked Sonu where my brother was who said that in the morning Surinder Singh had dropped me outside the factory and said that my guest had come, I am going to meet him. Then we spoke to my brother's friend Laddu, resident of village Mutio police station Samrala, on his mobile number 70875-20400 but he told us that Surinder Singh has gone out for factory work on car, he will return after 2/3 days. That 3 days have passed today, my brother has not returned home. My brother's mobile number is 81969-40032 which is switched off. Now we have again spoken to Laddu, who is trying to hush up the matter. We are fully convinced that Laddu resident Mutio and his accomplices have taken my brother Surinder Singh captive and kept him hidden. My brother Surinder Singh kindly be traced. It will be very kind of you. Kindly trace out my brother I shall be thankful Sd/- Manpreet Singh”.

2. The FIR had initially been registered under Section 346 IPC. On the discovery of the dead body of the deceased-Surinder Singh, Section 302 IPC was added in the aforementioned FIR.
3. During investigation, the statement of Karamjit Singh son of Rajinder Singh was recorded to the effect that Gurpreet Singh had made an extra judicial confession before him that he (Gurpreet Singh) had planned the murder of the deceased-Surinder Singh alongwith his wife Satnam Kaur and his friend Vikramjit Singh @ Vicky (petitioner) as his wife Satnam Kaur was having illicit relations with the deceased. Gurpreet Singh and the

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petitioner alongwith Satnam Kaur were nominated as accused in the present FIR.

Gurpreet Singh got recovered an iron *dattar* and a spade used in the commission of the offence alongwith a motorcycle.

Baljinder Singh @ Laddu who had been named in the FIR was declared innocent.

During the course of investigation, the complainant-Manpreet Singh presented a screen recording of a CCTV video dated 24.03.2022 of Bahlolpur Canal Bridge to show that Satnam Kaur was travelling with the deceased on a motorcycle and the said motorcycle was later on followed by the petitioner and Gurpreet Singh on another motorcycle.

4. The learned counsel for the petitioner contends that other than the extra judicial confession made by Gurpreet Singh in the presence of Karamjit Singh naming the petitioner, there was absolutely no admissible evidence showing the involvement of the petitioner in the commission of the offence. Pursuant to his arrest, no recovery whatsoever was effected from him. The motorcycle recovered from him was not connected with the offence in any manner. The CCTV footage was recorded on the mobile phone of the complainant and it would be a moot point during the course of the Trial as to its admissibility. As the petitioner was in custody since 01.04.2022, none of the 23 prosecution witnesses had been examined so far and Satnam Kaur, the alleged paramour of the deceased had been granted the concession of bail by this Court vide order dated 25.09.2023 (Annexure P-6), the petitioner was entitled to the similar relief as well.

5. The learned counsel for the State alongwith the counsel for the complainant while referring to the reply dated 03.04.2024 contend that

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Gurpreet Singh had made an extra judicial confession before Karamjit Singh disclosing the manner in which he committed the offence of murder in connivance with his wife-Satnam Kaur and his friend-Vikramjit Singh @ Vicky (petitioner). In furtherance thereof, the recovery of the weapons of offence came to be effected from him. As the petitioner was duly named in the extra judicial confession, he was not entitled to the concession as prayed for. They, however, concede that the petitioner was in custody since 01.04.2022, none of the 23 prosecution witnesses had been examined so far and that the co-accused/Satnam Kaur had been granted the concession of bail.

6. I have heard the learned counsel for the parties.

7. The evidentiary value of the extra judicial confession made by Gurpreet Singh before Karamjit Singh naming the petitioner shall be adjudicated upon during the course of the Trial. The petitioner is stated to be in custody since 01.04.2022 but none of the 23 prosecution witnesses have been examined so far. He is also a first-time offender. Satnam Kaur, co-accused has been granted the concession of bail by this Court vide order dated 25.09.2023 (Annexure P-6). In this view of the matter, the further incarceration of the petitioner is not required.

8. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Vikramjit Singh is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. The petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish

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an affidavit each time that he is not involved in any other case except the present one.

10. If any attempt whatsoever is made by the petitioner and/or his family members/friends to contact/threaten/intimidate any of the witnesses of the present occurrence, the State/complainant shall be at liberty to move an application for cancellation of bail granted vide this order.

11. The present petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 02, 2024
sukhpreet

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