

Neutral Citation No.2024:PHHC:049436

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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CRM-M-157 of 2024 (O&M)

Reserved on:09.04.2024

Pronounced on: 10.04.2024

Sarabjit Singh @ Saba

.....Petitioner

Vs.

State of Punjab

.....Respondent

**CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present:- Mr. Vipin Mahajan, Advocate with  
Mr. C.S. Ahluwalia, Advocate  
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

Mr. M.K. Dogra, Advocate for the  
complainant.

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**DEEPAK GUPTA, J.**

By way of present petition filed under Section 439 Cr.P.C.,  
petitioner prays for his release on regular bail in case FIR No.05 dated  
18.02.2021 registered under Sections 302, 379, 411, 404, 201, 120-B, 34  
IPC at Police Station Government Railway Police, District Pathankot,  
Punjab. This is the second petition.

2. The first petition bearing CRM-M-59376 of 2022 was  
dismissed on merits by this Court vide order dated 19.07.2023 (Annexure  
P.11).

3. Learned counsel for the petitioner has drawn attention towards  
statement of ASI Bhupinder Singh and the Railway Employees as Annexure  
P.2 to P.6 so as to contend that their statements are consistent with the train

accident and not homicide. Still further, it is contended that the petitioner is in custody since 08.09.2022; that mobile as recovered from co-accused Tarun Kumar was different from the mobile of the deceased and that facts were not correctly presented during hearing of the earlier bail petition.

4. Learned State Counsel ably supported by counsel for the complainant has strongly opposed the petition. It is submitted by learned State Counsel that all the contentions as raised in this petition and all the documents as referred in this petition were available at the time of considering the earlier bail petition and after considering the contentions, this Court had rejected the petition and that there is no fresh ground for grant of bail.

5. After hearing learned counsel for both the sides, this Court finds that present petition deserves to be dismissed.

6. It was specifically observed by this Court in its order dated 19.07.2023 passed in CRM-M-59376 of 2022 that the initial inquiry report as conducted by the Superintendent of Police, Investigation, GRP, Punjab, was not accepted by DIG, GRP, Punjab. It was further noticed by this Court that it is the petitioner – Sarabjit Singh alias Saba with whom deceased was last seen. It was found during investigation that it is the petitioner, who was found to have sold the mobile of the deceased to co-accused Tarun Kumar. Had it been a case of rail accident, petitioner – Sarabjit Singh alias Saba, who had been last seen with the deceased and had accompanied him, must have told the family members of the deceased regarding the rail accident and in that eventuality, mobile of the deceased must have been broken in the real accident. After considering all the facts and circumstances and the contentions raised, this Court had rejected the bail petition.

7. This Court does not find any new ground so as to consider this bail petition.

Dismissed.

April 10, 2024  
renu

(DEEPAK GUPTA)  
JUDGE

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|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |