

In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-64974-2023 (O&M)
Date of Decision:- 09.01.2024

Yadwinder Singh @ Baba @ Buta ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. A.S.Sekhon, Advocate, for the petitioner.

Mr. Sanish Girdhar, AAG, Punjab,
assisted by ASI Gurcharan Singh.

FIR NO.	DATE	POLICE STATION	OFFENCES
124	17.8.2021	Sadar Kotkapura, District Faridkot	Under Sections 302, 307, 341, 427, 506, 148, 149, 120-B IPC (Sections 323 and 324 of IPC added later on) and Sections 25/27/54/59 of Arms Act

GURVINDER SINGH GILL, J. (Oral)

- The petitioner seeks grant of regular bail in a case registered in a case arising out of above mentioned FIR.
- The matter pertains to murder of Navjot Singh. The FIR in question was lodged at the instance of Surinder Kaur, mother of deceased,

wherein she has stated that that her '*Nanad*' (husband's sister) namely Gurjinder Kaur was married to Balwinder Singh. However, said Gurjinder Kaur expired in the year 1996 and after her death, Balwinder Singh started residing with Iqbal Kaur as her husband. Later, a dispute arose amongst them (Iqbal Kaur and Balwinder Singh) over money and property as a result of which Balwinder Singh and Iqbal Kaur started residing separately and some litigation was also pending amongst them. It is alleged that Iqbal Kaur with the help of her '*Jija*' (sister's husband) namely Anantdeep Singh took possession of Balwinder Singh's house regarding which Balwinder Singh got a case registered at Police Station NRI, Moga. It is alleged that on 17.08.2021, in order to pursue the said case of Balwinder Singh, she (complainant) alongwith Balwinder Singh, her son Navjot Singh @ Navi and one of their relatives Mandeep Singh @ Babbu proceeded from Sri Muktsar Sahib to Moga, in their car bearing registration No.DL-10-CF-0120. While they were on their way, a black coloured '*Scorpio*' vehicle, two '*Thar*' vehicles, one '*Innova*' vehicle and one more vehicle tried to surround their car. The complainant's son, who was driving the car, took the car towards a narrow link road and on account of the narrow road the vehicles following them could not overtake them, but the Scorpio vehicle following their car kept on banging into rear of their car and also started firing upon them with an intention to kill them. However, when they (complainant party) approached the main road, the said vehicles were able to surround their car. It is alleged that Anantdeep Singh @ Roma, who was armed with a rod alongwith 15/20

unidentified persons alighted from the said vehicles carrying hockey sticks, baseball bats, rods, swords etc. Anantdeep Singh pulled out complainant's son Navjot Singh @ Navi from the car and exhorted his companions to teach him a lesson for not giving land to his sister-in-law Iqbal Kaur. Anantdeep Singh gave several blows with the help of rod on legs and arms of the complainant's son. The other persons also inflicted injuries to the complainant's son with their respective weapons and also fired shots. It is alleged that when complainant's brother-in-law Balwinder Singh and Mandeep Singh tried to rescue Navjot Singh, the accused inflicted injuries to Balwinder Singh and Mandeep Singh as well. Navjot Singh on account of injuries sustained by him fell unconscious. The accused thereafter went away from the spot in their respective vehicles. Navjot Singh was taken to Civil Hospital, Kotkapura from where he was referred to Guru Gobind Singh Medical College, Faridkot, but he succumbed to his injuries. The complainant has alleged that the accused nursed a grudge against the complainant, her son Navjot Singh (deceased) and Mandeep Singh, as they had been pursuing and supporting Balwinder Singh, in the cases pertaining to property, which were pending between Balwinder Singh and Iqbal Kaur. It is alleged that Iqbal Kaur and Sukhi Rajeana had conspired and had connived with Anantdeep Singh and with the help of others, they had murdered her son.

3. Learned counsel for the petitioner submits that the petitioner is nowhere named in the FIR and came to be nominated on the basis of a statement of Balwinder Singh witness recorded vide DDR No.51 dated 20.8.2021 (Annexure P-2) wherein it is stated that the petitioner

along with co-accused had conducted a 'recce' of the area. It has further been submitted that the petitioner as a matter of fact had been declared as innocent and the police had also filed an application for discharging the petitioner, but the same was somehow not accepted by the learned Illaqa Magistrate.

4. Learned counsel has further submitted that as of now the material witness i.e. the complainant has already resiled and on account of which Iqbal Kaur, Sukhvir Singh @ Sukhi, Gurmukh Singh and Anantdeep Singh @ Roma had already been granted bail by this Court.
5. Opposing the petition, learned State counsel has submitted that although the petitioner is not specifically named in the FIR, but since there is sufficient evidence to show his involvement as he has conducted 'recce' of the area in question, his complicity is clearly evident. It has been informed that the petitioner as on date has been behind bars since the last more than 2 years, 4 months and 17 days and that the petitioner is otherwise not involved in any other case. Learned State counsel has not disputed the fact that the complainant has been examined and has not supported the case of prosecution and that several other co-accused have already been granted bail.
6. This Court has considered the rival submissions.
7. It is not in dispute that the petitioner is not alleged to be present at the spot and has been nominated with the allegations that he had conducted 'recce' of the area before the occurrence had taken place. It is also not in dispute that complainant-Surinder Kaur had already

been examined and has not supported the case of the prosecution.

The petitioner otherwise has a clean record and is not stated to be involved in any other case. Co-accused Iqbal Kaur, Sukhvir Singh @ Sukhi, Anantdeep Singh @ Roma and Gurmukh Singh have already been granted bail by this Court. Conclusion of trial is likely to consume time as only 13 PWs out of cited 47 have been examined till date. Under these circumstances, no useful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

09.01.2024

mohan

(GURVINDER SINGH GILL)

JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No