



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

207

CRM-M-5538-2025 (O&M)

Date of Decision.:05.02.2025

Sarabjit Singh @ Saba

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Raghav Chadha, Advocate for the petitioner.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (old Section 439 Cr.P.C.) in case FIR No.5 dated 18.02.2021 registered under Sections 302, 379, 411, 404, 201, 120-B, 34 of IPC at Police Station Government Railway Police, District Pathankot.

2. It is his third petition. The first petition bearing No.CRM-M-59376-2022 was dismissed by this Court on 19.07.2023 (Annexure P-3). Second petition bearing No.CRM-M-157-2024 was dismissed on 10.04.2024 (Annexure P-4).

3. It is contended by learned counsel that ever since the dismissal of the earlier two petitions, there is material change in circumstances, as Rajan, the brother of the deceased, who was projected to prove the last seen theory has already been examined and that there are glaring discrepancies regarding the present petitioner being the last seen with the deceased. It is further contended by learned counsel that petitioner is behind bars for the last approximately 02 years 04 months and that petitioner is being implicated solely on the basis of last seen together theory.

4. Notice of motion.

5. Mr. Surya Kumar, AAG, Punjab accepts notice on behalf of

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respondent-State and has filed the custody certificate of the petitioner and opposed the bail petition.

6. After considering submissions of learned counsel for the petitioner, this court does not find merit in the petition.

7. Perusal of the order dated 19.07.2023 Annexure P3, whereby the earlier petition was dismissed by this Court would reveal that it was specifically noticed that as per the evidence collected during investigation, petitioner was last seen with the deceased. Besides, petitioner was found to have sold the mobile of the deceased to co-accused Tarun Kumar. It was also noticed that in case death of Vishal had occurred due to injuries sustained in the rail accident, his mobile must have been broken and in that eventuality, how the mobile phone of the deceased had come to the present petitioner Sarabjit Singh @ Saba, who had further sold it to Tarun Kumar and further, why the petitioner had not informed the family members of deceased Vishal, in case a rail accident had taken place.

8. Thus, it is apparent that the case is not dependent solely on the last seen theory, as has been projected by counsel for the petitioner.

9. Apart from the abovesaid circumstances which were noticed by this Court, it is further to be noticed that Rajan, the brother of deceased Vishal has only been partly examined as evident from Annexure P-6, as his cross-examination was deferred on that date.

10. Having regard to all the above circumstances but without commenting anything further on the merits of the case, this Court is not inclined to grant benefit of bail to the petitioner.

Dismissed.

(DEEPAK GUPTA)
JUDGE

February 05, 2025

Neetika Tuteja

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No