



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

212+213

1.

**CRM-M-11128-2025
Decided on : 29.04.2025**

Rajia

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

2.

CRM-M-21213-2025

Amarjeet Kumar alias Pawan

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. G.S. Sandhu, Advocate
for the petitioner(s) (in CRM-M-11128-2025).

Mr. Vikas Garg, Advocate
for the petitioner(s) (in CRM-M-21213-2025).

Mr. Amandeep Singh, DAG, Punjab.

Mr. Deepak Aggarwal, Advocate
for the complainant.

SANJAY VASHISTH, J. (Oral)

1. This order shall dispose of CRM-M-11128-2025 and CRM-M-21213-2025, as both the petitions are interconnected and have arisen out of same FIR. However, the lead case is CRM-M-11128-2025.

2. Prayer in these petitions, filed under Section 482 of BNSS, 2023 (corresponding to Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner(s), who have been booked for having committed the offences punishable under Sections 140(3), 61(2) of BNS, 2023 (Sections 103, 238 of BNS, 2023 added later on), in a case arising out of FIR No.184,



dated 31.12.2024, registered at Police Station Nahinwala, District Bathinda.

3. While hearing both the petitions on 27.02.2025 and 24.04.2025, following orders were passed by this Court:-

“CRM-M-11128-2025

1. Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name & age of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
Rajia, aged about 32 years	184	31.12.2024	140(3), 61(2) of BNS (Sections 103, 238 of BNS, 2023 added later on)	Nahianwala	Bathinda

2. Learned counsel for the petitioner, inter alia, contends that name of the petitioner, as a suspect, is not mentioned in the FIR. As per the FIR, Bakhtaur Singh (now deceased) had given an amount of Rs.10 lacs to Gurpreet Kaur, and both of them used to talk very oftenly on their mobile phones. Bakhtaur Singh’s mobile phone numbers are 9417772945, 9852698525 and 7627861460, and mobile phone numbers of Gurpreet Kaur are mentioned as 7814646889 and 7986025617.

Gurpreet Kaur got annoyed on the repeated demand of returning back the amount of Rs.10 lacs, and thereupon, with the help of Jora Singh, Sikander Singh @ Chiti and Avtar Singh kidnapped Bakhtaur Singh, and subsequently, after giving beatings, threw him in the canal from where his dead body was recovered.

Counsel for the petitioner submits that the involvement of the petitioner in the present case is solely based on the disclosure statement made by the main accused, Gurpreet Kaur, which was recorded, vide DDR No.38 dated 14.01.2025. Furthermore, it is emphasized that no motive has been attributed to the petitioner that would compel her to be involved in the incident in question.

3. Further submits that though, there is no specific allegation against the petitioner, however, as per the disclosure statement and statement recorded under Section 161 of Cr.P.C., the petitioner was present at the scene when the deceased, Bakhtaur Singh, was beaten up by the other accused persons. He also submits that petitioner is not involved in any other criminal case and she is simply an household woman.

Thus, prays for grant of concession of anticipatory bail to



the petitioner in the present case.

- 4.*Notice of motion.*
- 5.*On advance notice, Mr. Deepak Aggarwal, Advocate, puts an appearance on behalf of the complainant, and Mr. Amandeep Singh, DAG, Punjab, puts in appearance on behalf of the respondent – State, and seeks some time to file status report in the matter.*
- 6.*Adjourned to 29.04.2025.*
- 7.*In the meanwhile, the petitioner is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of her arrest, the petitioner shall be released on ad-interim bail, subject to her furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also be abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.).*
- 8.*Besides, the petitioner would submit/surrender her passport before the Arresting Officer and an undertaking on oath that in case of leaving the Country, she would seek prior permission from the Investigating Agency/concerned Court.*

CRM-M-21213-2025

- 1.*Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-*

<i>Name & age of Petitioner (s)</i>	<i>FIR No.</i>	<i>Date</i>	<i>Section(s)</i>	<i>Police Station</i>	<i>District</i>
<i>Amarjeet Kumar alias Pawan, aged about 31 years</i>	<i>184</i>	<i>31.12.2024</i>	<i>140(3), 61(2) of BNS and (Sections 103, 238 of BNS added later on)</i>	<i>Nahianwala</i>	<i>Bathinda</i>

- 2.*Counsel for the petitioner submits that anticipatory bail petition filed by the co-accused namely Rajia, i.e. CRM-M-11128-2025, in which ad-interim bail has already been granted to her, is already listed for 29.04.2025.*
- 3.*Notice of motion.*
- 4.*On advance notice, Mr. Amandeep Singh, DAG, Punjab, puts in appearance on behalf of the respondent – State, and Mr. Deepak Aggarwal, Advocate, puts in appearance on behalf of the complainant, and files his vakalatnama in Court today, which is taken on record.*
- 6.*Adjourned to 29.04.2025.*
- 7.*To be heard along with CRM-M-11128-2025.*



8. *Till the next date of hearing, petitioner shall not be arrested. However, question of joining of investigation of the petitioner would be examined on the next date of hearing.*

9. *Let a status report be filed by the learned State counsel, containing all relevant details, including the dates of the disclosure statement and the statement recorded under Section 161 Cr.P.C. The report shall also clearly describe the role attributed to the accused/petitioner and indicate the stage at which his name surfaced in the course of the investigation.”*

4. Counsel for the petitioner(s) while arguing today before this Court, submits that in compliance to order dated 27.02.2025, passed by this Court in CRM-M-11128-2025, petitioner – Rajia, has joined investigation and cooperated with the investigating agency.

However, counsel for the petitioner – Amarjeet Kumar alias Pawan, in CRM-M-21213-2025, submits that in the absence of any interim protection, his client was unable to join the investigation.

5. Learned State counsel has filed two separate status reports dated 28.04.2025, in Court today, which are taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

Copies thereof have been handed over to the opposite counsel.

6. Apart from the details furnished in the aforementioned status reports, learned State counsel as well as learned counsel for the complainant argue that in fact, witness – Jaspreet Kaur, who projects herself as eyewitness, in her statement dated 06.01.2025, recorded u/s 161 Cr.P.C. (Section 180 of BNSS, 2023), that petitioner(s) and co-accused by giving merciless beatings to the deceased, took him away on the scooty.

Besides, there is another person, namely; Pushpa, who has also got recorded her statement on 14.01.2025, as an eyewitness, by stating the



same version, which was already there in the statement of Jaspreet Kaur on 06.01.2025.

Thus, it is argued that petitioners do not deserve any protection order of granting them bail, because their names have appeared in the statements of two eyewitnesses, whose statements have also been recorded (as mentioned here-above) during the course of investigation.

7. I have examined the relevant record as well as the status reports today filed by the State, and also heard the respective counsel for the parties.

8. Some of the facts, which cannot go unnoticed are that the incident of missing of deceased – Bakhtaur Singh, happened on 23.12.2024, and the FIR was also registered for the first time on 31.12.2024, i.e., after a period of more than seven days, that too of missing of said Bakhtaur Singh.

As per the prosecution story, when the Investigating Officer went to arrest the named accused – Gurpreet Singh, on 06.01.2025, one person namely; Jaspreet Kaur, was found present, and who got recorded her statement, projected herself to be the eyewitness (already discussed here-above). During the course of investigation, similar statement of another eyewitness, i.e., Pushpa, was recorded on 14.01.2025.

9. To the view point of this Court, the authenticity of the statements of the eyewitnesses would be a subject matter before the trial Court, after making deposition of the said eyewitnesses, wherein, it would also be analyzed, and examined by the trial Court as to for what reason for so many days, both the said eyewitnesses kept silence, because the matter was never reported to the police by any party.

It would also be an issue before the trial Court that about the



missing of the deceased – Bakhtaur Singh, on 23.12.2024, why the complainant party kept silent for a period of one week, as the said missing FIR was registered for the first time on 31.12.2024.

Further, it would also be a moot question before the trial Court to examine as to what could be the substantial reason for petitioner(s), to get themselves involved in the incident in question, i.e., causing murder of Bakhtaur Singh, as there is no direct interest involved of both of them.

Thus, the element of *mens rea* or motive is also relevant to be examined, *viz-a-viz*, role of the petitioners.

10. In view of the totality of circumstances, and the facts noticed here-above, I deem it appropriate to allow both the petitions.

Accordingly, present petitions are **allowed**, and the ad-interim order dated 27.02.2025, passed in CRM-M-11128-2025 is hereby made absolute.

So far as, petitioner – Amarjeet Kumar alias Pawan (in CRM-M-21213-2025) is concerned, he was never directed to join investigation, he is now directed to appear before the Investigating Agency on or before 16.05.2025, or as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer.

However, it is made clear that both petitioners shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 482(2) of BNSS, 2023

11. Besides, it is directed that petitioners would hand over their passport to the Investigating Agency or to Court concerned, if they possess.



Otherwise, would submit affidavits, disclosing the fact that they do not possess any passport.

It is also directed that before leaving country any time during trial, petitioners would seek prior permission of the Court.

12. With aforementioned observations, both petitions stand **disposed of** accordingly.

Photocopy of this order be placed on the file of other connected case.

(SANJAY VASHISTH)
JUDGE

April 29, 2025

J.Ram

Whether speaking/reasoned: *Yes/~~No~~*
Whether Reportable: *Yes/~~No~~*