

2025:PHHC:095087



CRM-M-13208-2025 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(225)

CRM-M-13208-2025 (O & M)

Date of decision: 29.07.2025

Sarabjit Singh @ Sabhi

..... Petitioner(s)

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Saurav Bhatia, Advocate, for the petitioner.

Mr. Gaurav Kathuria, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

CRM-29028-2025

The application for placing on record certain documents (Annexures P-7 to P-18), is allowed as prayed for subject to all just exceptions. The same are taken on record.

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The prayer in this second petition under Section 483 of BNSS, 2023 is for the grant of the regular bail to the petitioner in case FIR No.51 dated 25.05.2022 under Section 302 IPC and Section 120-B IPC (added later on and Section 25 of the Arms Act, 1959, registered at Police Station Sadar Banga, District Shaheed Bhagat Singh Nagar.

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

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"Statement of Kiranjot wife of Amarjit Singh, resident of village Salh Kalan, PS Sadar Banga, District SBS Nagar, aged about 36 years, Mobile No. 98554-43123. Stated that I am resident of above mentioned address and doing household work. My marriage was solemnized about 13/14 years ago with Amarjit Singh son of Gurmit Singh, resident of Salh Kalan. I have four children, out of whom 3 are daughters and one son. My elder daughter Mehakpreet Kaur is aged about 12 years. Today on 25.05.2022 at about 11:00 a.m., I along with my husband was present in our house and there was knocking on our gate. My daughter Mehakpreet Kaur stated that two youths had come outside on a motorcycle and were asking about her father. At that moment, my husband went outside to the gate and both the youths stated that they had been sent by Mika of our Village and at that very time, both the youths took away my husband on their motorcycle. After sometime, we came to know from some villagers that my husband had been shot dead near the cremation ground situated near the link road of Balon, whereupon I alongwith Sodhi son of Raghubir Singh reached the spot and I noticed upon reaching that my husband was lying on the road. I got very disturbed on seeing the dead body of my husband and many residents of the village had gathered at the spot. I am sure that the two youths who had come to our house on a motorcycle have committed the murder of my husband by shooting him. Action be taken against both those youths. I have got my statement recorded which has been read over to me and is correct. Sd/-Kiranjot abovesaid."

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3. On 27.05.2022, the complainant got recorded her supplementary statement stating that her husband-Amarjit Singh (deceased) had been killed by the accused on account of a property dispute between him (deceased) and his sister-Mandeep Kaur. Based on the said statement, Section 120-B IPC was added and Mandeep Kaur was nominated as an accused.

The statement of Hargurbhagwant Singh was recorded wherein he stated that Mandeep Kaur (since granted bail vide order dated 22.10.2024 passed in CRM-M-27435-2024) had made an extra judicial confession before him admitting her guilt.

Mandeep Kaur was arrested and got recovered Indian currency notes of Rs.35,000/-. She also disclosed the manner in which the occurrence took place naming Gurwinder Kaur (since granted bail vide order dated 12.03.2024 passed in CRM-M-5849-2024) who helped her to contact Lakhvir Kumar @ Lakha (since granted bail vide order dated 12.03.2024 passed in CRM-M-1905-2024) to commit the offence in question.

At the instance of Lakhvir Kumar @ Lakha, Mandeep Kaur and Gurwinder Kaur contacted Sarabjit Singh @ Sabhi (petitioner) who committed the offence alongwith his co-accused Sanjay Kumar @ Sanju.

Gurwinder Kaur transferred an amount of Rs.37,000/- into the bank account of Sarabjit Singh @ Sabhi through her son-in-law/Gurpreet Singh on the asking of Mandeep Kaur.

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The investigation also revealed that the Gurwinder Kaur was in contact with Sarabjit Singh @ Sabhi through her mobile phone on the date of occurrence.

4. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There is no admissible evidence inculcating the petitioner other than the confessional statement of the arrested accused. The co-accused of the petitioner, namely, Mandeep Kaur, Gurwinder Kaur and Lakhvir Kumar @ Lakha have been granted the concession of bail. As the petitioner is in custody since 04.06.2022 but only 17 of the 34 prosecution witnesses have been examined so far, the Trial of the present case is not likely to be concluded anytime soon and therefore, he is entitled to the concession of bail.

5. The learned counsel for the State, on the other hand, contends that other than the fact that the petitioner is named in the disclosure statement of the arrested accused, the statement of PW-1/Mehakpreet Kaur, daughter of the deceased was recorded during the course of the Trial and on seeing the CCTV footages which were played in Court, she identified the two accused including the present petitioner as the same persons who had taken her father alongwith them on the day of the occurrence. The petitioner also got recovered a country-made pistol alongwith live ammunition. He, thus, contends that the petitioner was one of the main assailants and is not entitled to the grant of bail.

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

7. As per the case of the prosecution, Mandeep Kaur, the sister of the deceased had got him killed on account of a property dispute. For the said purpose, the petitioner and one Sanjay Kumar @ Sanju had been hired. As per the FIR, Mehakpreet Kaur, the daughter of the deceased had seen two youth outside their house asking for her father and thereafter, her father accompanied the said youth. The said two persons have been identified by her as the petitioner and co-accused Sanjay Kumar @ Sanju. Therefore, apparently, the case of the petitioner is on a different footing having been duly identified by a key eye-witness who is none other than the daughter of the deceased. Further, the Trial is at its fag end with as many as 17 out of 34 prosecution witnesses already having been examined.

8. In view of the above, I find no merit in the present petition and the same stands dismissed.

July 29, 2025
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No