



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

254

CRM-M-13309-2024
Decided on : 10.01.2025

Bhawanpreet Singh @ Bhawna

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Bipan Ghai, Sr. Advocate with
Mr. Nikhil Ghai, Advocate,
Mr. Paras Talwar, Advocate and
Mr. Nikhil Thammah, Advocate, for the petitioner(s).

Mr. Amandeep S. Samra, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Instant petition has been filed under Section 439 Cr.P.C., by the petitioner – Bhawanpreet Singh @ Bhawna, for seeking regular bail, who has been booked for having committed the offences punishable under Sections 302, 201, 346, 120-B of IPC, in case FIR No. 112, dated 05.12.2022, registered at Police Station Hathoor, District Ludhiana (Punjab), during the pendency of trial.

2. Case of the prosecution is that on 24.11.2022, deceased Jaspinder Kaur, aged 24 years, went away from the house on her own and on 05.12.2022, complainant Shaminder Singh (brother of the deceased) got lodged FIR in question, about missing of his sister along with 12 tolas of gold and an amount of Rs.20,000/-. On 06.12.2022, Shaminder Singh, gave supplementary statement, stating therein that Parampreet Singh @ Param and Bhawanpreet Singh @ Bhawna, who are real brothers, used to speak to



his deceased-sister Jaspinder Kaur and later on, he came to know of the fact that his sister has been murdered by Parampreet Singh @ Param, Bhawanpreet Singh @ Bhawna, Ekampreet Singh and Harpreet Singh.

Besides, prosecution relies upon the disclosure statements of Parampreet Singh @ Param and Ekampreet Singh, that after murdering Jaspinder Kaur, they threw her dead body in to a canal. Since, enough water was not there, the dead body was taken to the fields of Parampreet Singh @ Param and Bhawanpreet Singh @ Bhawna and was put to fire. However, a majorly burnt body was recovered from the fields.

3. Prosecution also relies upon the extra judicial confession made by all the four accused before one Sukhbir Singh s/o Gurmail Singh on 07.12.2022, wherein, the story of prosecution was reiterated to the effect that murder of Jaspinder Kaur was committed by accused by Parampreet Singh @ Param and Ekampreet Singh.

4. Mr. Bipin Ghai, learned Senior counsel for the petitioner while referring to the case of the prosecution in its entirety, submits that it is an admitted position in the case of the prosecution that petitioner Bhawanpreet Singh @ Bhawna, is not involved in any manner in the murder of Jaspinder Kaur. To substantiate the said argument, learned Senior counsel relies upon the reply submitted by the respondent – State of Punjab and refers to paragraph No.6 of the same. Further, he submits that, at best, petitioner can be held liable for committing an offence for wiping of the evidence, which being a bailable offence is punishable under Section 201 of IPC.

5. On the other hand, learned State counsel has vehemently opposed the prayer made in the petition, however, he does not dispute the



factual position as narrated by the petitioner's counsel. About the stage of trial, learned State counsel submits that petitioner is inside jail since 06th December, 2022 and after completion of investigation, final report under Section 173 Cr.P.C. has also been submitted and thereafter, out of total 16 prosecution witnesses, six have been examined. Three of these witnesses, are admittedly the prime witnesses of the prosecution. Now, out of the total 16 prosecution witnesses, 10 witnesses remains to be examined.

6. I have heard learned counsel for the parties and examined the relevant material available on record with their able assistance.

7. For reference paragraph No.6 of the reply filed by the State is reproduced here-under:-

"6. That on 6-12-2022 during interrogation, accused Parampreet Singh @ Param gave statement to the I.O. that on 24-11-2022 he along with his friend Ekampreet Singh along with Jaspinder Kaur was going in Car No. PB-10-CC-0400. When they reached near bridge of canal in the area of Dadhahoor there arose dispute between him and Jaspinder Kaur because she wants to solemnize marriage with him but he does not want to marry her. Then he thought that Jaspinder Kaur is hurdle in his life and to remove this hurdle he strangled her neck with her chuni and killed her. Then they reached at the bank of canal in the area of village Dhapai. They threw the dead body of Jaspinder Kaur in the canal. But there was less water in the canal and the dead body was lying there in bushes. He further disclosed that they told about this occurrence to Harpreet Singh and Bhawanpreet Singh @ Bhawna. On 25-11-2022 he along with Ekampreet Singh, Harpreet Singh and petitioner Bhawanpreet Singh @ Bhawna went at the spot. They picked up the dead body of Jaspinder Kaur and took to their field. They burnt the dead body. But the dead body could not be burnt completely due to lack of fuel. He further stated that then they concealed the dead body in waste material i.e. parali. On 26-11-2022 they called



one JCB and dig a pit. The JCB was sent back. Then they concealed the dead body in that pit. He can get the dead body recovered. The I.O. recorded the statement u/s 27 Evidence Act of the accused Parampreet Singh @ Param. The present petitioner was not present in the car when Parampreet Singh @ Param has committed murder of Jaspinder Kaur.”

8. This Court is of the view that, even as per the case of the prosecution, the allegation of the murder is primarily against Parampreet Singh @ Param and Ekampreet Singh. Even if the disclosure statement and the extra judicial confession recorded by the prosecution are taken into consideration, same would reveal that, at the time of murder only Parampreet Singh @ Param and Ekampreet Singh were present in the car. Furthermore, when the body was first tried to be burnt and later thrown into the canal, none of the other accused were involved, except Parampreet Singh @ Param and Ekampreet Singh.

9. On being asked by the Court, learned State counsel informs that DNA report is yet to be received, whereby, it would be confirmed that the recovered dead body was of none but of Jaspinder Kaur only.

10. In the totality of circumstances of the case and the factors noticed here-above, I find it a fit case for grant of concession of regular bail to the petitioner, who is inside jail since 06.12.2022. He cannot be kept behind bars for indefinite period, especially for the reason when *prima facie* allegation against the petitioner is for committing an offence under Section 201 of IPC only. However, rest of the allegations, if at all, are made out, would be subject matter of trial.

11. Consequently, prayer made in the present petition is **allowed**.



Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

12. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

13. The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

14. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

January 10, 2025
J.Ram

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