

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-15078-2025 (O&M)

Date of Decision: 15.05.2025

Gagandeep Singh @ Gagan

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. HPS Ishar, Advocate and
Mr. Gurpreet Singh, Advocate for the petitioner

Mr. JS Rattu, DAG Punjab

Mr. Himanshu Puri, Advocate for the complainant

Sandeep Moudgil, J.

Relief claimed

(1). This is the 5th petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) for grant of regular bail to the petitioner in case FIR No.63 dated 21.04.2021 under Sections 460/394/188 IPC read with Section 34 IPC, (Section 302 IPC added later on) registered at Police Station Lahori Gate, Patiala.

Facts

(2). Facts as emerging in the FIR is reproduced as under:-

“Statement of Harry Singla son of Narender Singla r/o House no. 31 B, Vikas Colony, Patiala against 3/4 unknown persons in the hand of SI/SHO Jaspreet Singh 19/RRT for registering FIR 460, 394, 34, 188 IPC sent through Havaladar Sukhdev Singh 1838 received in Police station Lahori Gate Patiala which read as, "Statement of Harry Singla son of Narender Singla r/o House no. 31 B, Vikas Colony, Patiala aged about 37 years, mobile no. 98148-31257, it is stated that I am resident of the above mentioned address and am practicing advocate at District Court Patiala. We are three brothers out of which

my brothers Sherry Singla and Sunny Singla are residing at Mohali and I stay at above address at Vikas Colony Patiala alongwith my wife, children and mother Smt. Kamlesh Singla. Our house is 500 sq. yards, out of which major portion of house has been constructed and the entire house is inter-connected. I sleep in a separate room with my wife and children. My mother Smt. Kamlesh Singla aged bout-60 years sleeps in her separate room. Like always, last night me alongwith my wife and children slept in different room at around 11:30 PM my old mother also slept in her room. Today at 7:00 AM I saw that one glass of my office has been removed and I immediately went to the office and saw the CCTV Camera recorder/DDR were missing and I checked other cameras, and checked my mother Smt. Kamlesh Rani where I saw that her door was partially open and I immediately saw my mother who was lying upside down and her both the hands were tied backwards with tape and her mouth, eyes and ears were also taped. I immediately moved my mother and opened the tapes and I shouted, on which my wife came on the spot and after some time neighbors also joined in, the steel almirah was also broken and the items lying therein were spread all over and the internal locker of the almirah was also broken and the cash and gold has been stolen by the thieves therefrom (details of which I will give after checking it). My mother Kamlesh Singla had already died before I saw her and the unknown accused persons had last night murdered my mother during the robbery. This act has been committed by 3/4 unknown people. Action be taken against them. I got my statement recorded and it has been signed as correct. Signed Harry Singla...”

Submissions of the petitioner

(3). Learned counsel for the petitioner contends that the present FIR was registered against unknown person, however, the complainant for the first time named the co-accused Vikramjeet Singh on 25.04.2021 on the basis of hearsay statement of the junior advocate of the complainant, wherein he merely alleged that all the accused met in chamber on the previous date of occurrence.

It has been alleged by the complainant that Vikramjit Singh (who was working as clerk with the complainant), alongwith his cousin Amarinder Singh and the petitioner committed robbery in the house of the Complainant and during the crime, mother of the complainant died.

(4). It is averred that Vikramjit and Amarinder allegedly made a confession before Amarpreet Singh Bhatia an advocate about the crime on 23.04.2021 and despite having knowledge of the crime, he neither informed the police nor made complaint and as such, the petitioner was nominated on the disclosure statement of the co-accused and was arrested on 26.04.2021. He further submitted that the Police planted the recovery of Rs. 60,000/-, a key and one DVR, without any hard disk from the Petitioner.

(5). Another argument raised on behalf of the petitioner is that no offence under Section 302 IPC is made out as the death of the old lady had occurred due to asphyxia as allegedly the tape was used to cover the mouth and nose of the mother of the complainant and thus prima facie the intention of the accused persons appear to be not to kill the woman but to stop her from making noise, at best only offence under Section 304 IPC can be said to be constituted but not Section 302 IPC, at any rate.

Stand of the State

(6). Learned State counsel has filed the custody certificate dated 14.05.2025 which is taken on record, according to which, the petitioner has undergone 4 years and 13 days of custody. He submits that pursuant to submission of challan on 19.07.2021, charges have been framed on 26.08.2022 and out of total 39 PWs, only 08 PWs have been examined till date. He submits that the petitioner has been involved in serious offence and there is

apprehension that he may abscond or influence the witnesses since trial proceedings are going on.

(7). On the other hand, Mr. Himanshu Puri, Advocate has filed vakalatnama on behalf of the complainant which is taken on record. He submits that the petitioner and other co-accused persons have conspired in a well planned manner to commit robbery and even to commit murder which is evident from the fact that they intentionally took away the DVR with them which was later on recovered by the police. He contends that it is purely a matter of trial to ascertain if the offence under Section 302 IPC is made out or not and as such, the petitioner and other co-accused cannot escape from the rigours of the misdemeanor committed by them.

Analysis

(8). Heard learned counsel for the parties.

(9). As per prosecution case, the incident occurred on the intervening night of April 20/21, 2021. Notably, during the investigation, two accused persons allegedly made extra-judicial confessions before Advocate Amanpreet Singh Bhatia, pursuant to which certain recoveries were also effected. Specifically, recoveries were made from the petitioner, including of Rs.60,000 and a key of the bedroom lock along with a DVR of the house which recorded the incident of murder and robbery.

(10). Given the gravity and seriousness of the offences under Sections 460 and 394 IPC, and considering that the challan has been presented under Sections 460, 394, 188 read with Section 34 IPC, which pertains to a case involving the murder of Kamlesh Singla, an offence under Section 302 IPC, this Court finds no merit in the submissions made by the learned counsel for the

petitioner. It wholly falls in the domain of the trial court to assess the material/evidence placed before it and arrive at a justifiable conclusion as to if the petitioner had committed offence triable under Section 304 IPC or Section 302 IPC. It would be too premature to suggest to accept the submission of the petitioner that too in isolation of solid and material counter-evidence to make out a case of grant of regular bail at this stage.

(11). In the light of the above stated discussion and taking into consideration the gravity of the offence where a person has lost his life particularly when the petitioner's name has figured as the prime accused, this Court finds no reason to grant the concession of regular bail to him.

(12). Accordingly, this petition is dismissed.

(13). Anything stated hereinabove, shall have no bearing on the merits of the case before the trial court.

15.05.2025

V.Vishal

1. Whether speaking/reasoned?

2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No

Yes/No