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

CRM-M No.19587 of 2024
Date of Decision: 20.02.2025
Reserved on: 07.02.2025

Navjot Singh @ Major ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Anosh Samson, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner seeking grant of regular bail in case bearing FIR No. 367 dated 28.11.2020 registered under Section 346 of IPC (Sections 364, 302, 201 and 473 read with Section 34 of IPC added later on) at Police Station Civil Lines Batala, District Gurdaspur.

2. Adumbrated facts as emanating from the record are that the aforementioned FIR had been initially registered under Section 346 of IPC on the basis of statement recorded by complainant Sukhdev Pal alleging that his fifteen years' old son Karan Kumar (hereinafter to be mentioned as victim) had left home on 26.11.2020 at about 6:00 PM and did not return since then and had gone missing. After registration of FIR, investigation proceedings were initiated. On 15.12.2020, the complainant

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recorded a supplementary statement alleging that on the basis of information received by him from some reliable sources as well as from the act and conduct of the petitioner Navjot Singh, who was his son-in-law, married to his daughter Kajal, he had come to know that it was him (Navjot Singh) who in-conivance with the co-accused Amar Singh, had kidnapped his son and had a hand in disappearance of his son and suspected that his son had been murdered by them. During the course of investigation, the Investigating Officer collected the call detail record of the victim as well as of the petitioner Navjot Singh and it was revealed that their location was found to be same on 26.11.2020 at the relevant time. The petitioner and co-accused were arrested on 19.12.2020. The carcass of the dead body of the victim was recovered in the presence of Executive Magistrate Sh. Jaskaran Singh from Haddarori situated near terminal point of the canal at the instance of the petitioner. The clothing and shoes of the victim were also recovered from the same place which were identified by the complainant. The samples of the carcass were sent to FSL for DNA examination. The petitioner moved an application for grant of regular bail which was dismissed by the Court of learned Sessions Judge, Gurdaspur vide order dated 18.12.2023.

3. It was argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of mere suspicion. He is in custody since 19.12.2020. The disclosure statement allegedly suffered by him cannot be considered to be admissible in evidence. False recovery of dead body of the victim at his instance has been planted upon him whereas no such recovery was got effected at his instance. The material witnesses

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Sukhdev Pal, Kajal and Tarsem Lal have been examined. Therefore, there is no question of his intimidating them. The trial is likely to take time. The testimony of PW-5 Tarsem Lal is suffering from material inconsistencies and cannot be relied upon. There is no direct evidence against him to connect him with the allegations of murder of the victim who was his brother-in-law. The co-accused Amar Singh @ Aman whose case is on similar footing, has since been extended benefit of bail. On parity, he too deserves to be given the same benefit. With these broad submissions, it was urged that he deserves to be released on bail.

4. Status report has already been filed by the respondent-State. Learned Assistant Advocate General, Punjab had vehemently argued that there are grave allegations against the petitioner. The call detail record of the petitioner was obtained and the same showed his location in the same area from where the victim had gone missing on the relevant day. The carcass of the dead body had been recovered in pursuance of disclosure statement made by the petitioner in the presence of Executive Magistrate. The trial is going on at a proper pace. The case of the petitioner is not on equal footing with the case of the co-accused Amar Singh @ Aman. With these broad submissions, it was urged that the petition does not deserve to be allowed.

5. Learned counsel for both the parties were heard at considerable length.

6. The petitioner who is brother-in-law of the victim is alleged to have abducted/kidnapped him and then committed his murder in connivance with the co-accused. The allegations as levelled against him are serious in

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nature. The call detail record of mobile phone of the petitioner showed the same location which was on the place from where the victim had gone missing. Some of the material witnesses are yet to be examined. The case of the petitioner is not on parity with the case of the co-accused Amar Singh @ Aman. Keeping in view the grave nature of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

20.02.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No