



CRM-M-49646-2024 (O&M) and one more case

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

1.

**CRM-M-49646-2024 (O&M)
Date of Decision: 22.05.2025**

RUPINDER SINGH @ GORA

...PETITIONER

Versus

STATE OF PUNJAB

...RESPONDENT

2.

**CRM-M-47819-2024 (O&M)
Date of Decision: 22.05.2025**

SAUDAGAR SINGH @ MANI FAUJI

...PETITIONER

Versus

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sukhwinder Singh Dhillon, Advocate
for the petitioner in **CRM-M-49646-2024**.

Mr. Sandeep Verma, Advocate
for the petitioner in **CRM-M-47819-2024**.

Mr. Sandeep Kumar, DAG Punjab.

Mr. Amaninder Singh Sekhon, Advocate
for the complainant.

Harpreet Singh Brar, J. (Oral)

1. Both these petitions are decided by this common order as both the cases are arising out of the same FIR.

2. These are the first petitions filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioners in case bearing FIR No. 17 dated 18.05.2023 registered under Sections 302, 201, 120-B, 148 and 149 of Indian Penal Code at Police Station GRP Faridkot, District Faridkot.

3. The present FIR came to be registered at the instance of Jaskaran Singh @ Jassa and reads as under:-

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“Statement of Jaskaran Singh alias Jassa aged about 29 years S/o Balwinder Singh S/o Jarnail Singh resident of Chak saidoke P.S Ameer Khas district Fazlika, Mob. No. 98552- 56783. Stated that I am resident of abovementioned address and searching for job after completing my study of B.A, B.ed. we are two brothers and one sister. My elder brother Baljeet Singh age about 32 years and I am younger than him and my younger sister Amandeep Kaur who is married to Ranjit Singh s/o Harpal Singh resident of Jhabelwali, District Sri Muktsar Sahib. My brother in law Ranjit Singh is working in the army. My brother Baljit Singh is married to Simranjit Kaur for about 10 years, who has two children, the elder boy Prabhjot Singh aged about 9 years and the younger girl Aishmeet Kaur aged about 7 months. Baljeet Singh used to work as a mason and wheat season he used to drive the threshing machine from Basarke district Amritsar Sahib. In this wheat season also he went on threshing machine of Gurpreet Singh and returned home on dated 13-05-2023 after reaping the season and on 15-05-2023 Baljeet Singh who asked me and his wife Simranjeet Kaur to drive the computer leveller and tractor of Gurpreet Singh village Basarke and went from our house at village Chak Saidoke at 3:30 in the evening. I left him in the bus to Sri Muktsar sahib from bus stand of our village. After this my brother Baljeet Singh kept talking to his wife Simranjeet Kaur and he also talked to me from his number 94173-57202 to my phone number 98552-56783 at 7:32 in the evening and told me that I have reached in Amritsar Sahib and after this he talked to his wife at about 8:00 in the night and told her that I have reached Chehrata Sahib and there is another phone number 76529-00472 was also working in the mobile phone of my brother Baljeet Singh. After this we tried to call him to talk to Baljeet Singh, then his phone was busy and at about 10 o'clock at night his phone was switched off. Next day on 16-05-2023 we started looking for him and went to police station Ameer Khas and gave a verbal statement and started asking the relatives then cousin brother Luv S/o Kala Singh resident of Tamkot told me that Baljeet Singh met him yesterday at about 6:15 in evening near Malout bypass Sri Muktsar Sahib and to whom Baljeet Singh said that I have to meet someone at Bathinda Bypass Sri Muktsar Sahib. After this we reached Bathinda Bypass Sri Muktsar Sahib while searching and there we checked the cameras at doctor's shop then on 15-05-2023 at about 6:27 PM to 6:49 PM Baljeet Singh was seen standing and making a phone call at Bathinda Bypass Sri Muktsar Sahib, after that we did not know about anything. Yesterday dated 17-05-2023 from the photo came on social media late at night we came to know that Railway Police Sri Muktsar Sahib found one dead body from small cannal, which we have identified today by going to Civil Hospital Sri Muktsar Sahib through the staff of railway police post Sri Muktsar Sahib. This dead body belongs to my brother Baljeet Singh S/o

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Balwinder Singh, resident of village Chak Saidoke P.S Ameer Khas, district Fazilka in whose's head there are lot of injuires. My brother Baljeet Singh was last seen on 15-05-2023 in the evening at Bathinda Bypass Sri Muktsar Sahib. My brother Baljeet Singh was taken by unknown persons at unknown place and gave injuries on his head and have thrown the dead body in cannal with the purpose to scraping the dead body. Kindly register the case and arrest the accused who killed my brother Baljeet Singh. I have stated by statement which is correct. Sd/- Jaskaran Singh alias Jassa”.

4. On 30.05.2023, on the basis of statement of Simranjeet Kaur, wife of the deceased-Baljit Singh @ Baljeet Singh, Saudagar Singh @ Mani Fauji (petitioner in CRM-M-47819-2024) and Chamkaur Singh @ Gotee were nominated as accused.

Chamkaur Singh @ Gotee was arrested and on his statement, Gurpal Singh @ Pala, Rupinder Singh @ Gora (petitioner in CRM-M-49646-2023), Arshdeep Singh @ Arshi and Simranpreet Kaur @ Simmu were nominated as accused.

From Gurpal Singh @ Pala, a *kapa* was recovered alongwith clothes worn by him at the time of occurrence. From Chamkaur Singh @ Gotee, one iron kapa was recovered alongwith clothes worn by him at the time of occurrence.

On 16.06.2023, Simranpreet Kaur @ Simmu was arrested. She disclosed that Saudagar Singh @ Mani Fauji, was her boy friend. The younger sister of Baljit Singh (deceased), namely, Amandeep Kaur was married to Ranjit Singh. There was enmity between the in-laws of Amandeep Kaur and the family of Saudagar Singh @ Mani Fauji because of which they had registered cases against each other. Baljit Singh (deceased) had been pursuing the above-said case being the brother-in-law of Ranjit Singh because of this fact, Saudagar Singh @ Mani Fauji used to threaten him (Baljit Singh). As Simranpreet Kaur @ Simmu was the girl friend of Saudagar Singh @ Mani Fauji, she in connivance with

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Saudagar Singh @ Mani Fauji trapped Baljit Singh (deceased) in a love affair, coerced him to come to Bathinda Chownk, Sri Muktsar Sahib from where her co-accused took him towards a rivulet and murdered him.

5. Learned counsel for the petitioners *inter alia* contends that other than the confessional statement of co-accused and his extra-judicial confessional statement before one Bhinder Kumar, there is no other evidence against the petitioners. Neither any call was ever exchanged between the deceased and the petitioners, nor they had any connection with the ongoing dispute between the brother-in-law of the deceased namely Ranjit Singh. Further, similarly situated co-accused namely Simranpreet Kaur @ Simmu has been granted the concession of regular bail by a Co-ordinate Bench of this Court vide order dated 24.07.2024 (Annexure P-3) passed in CRM-M-56941-2023. Learned counsel further submits that star witness of the prosecution namely Bhinder Kumar (PW-4) has not supported the case of the prosecution and he has been declared as hostile by the learned Public Prosecutor. As regards PW-1 Harpal Singh is concerned, he has made material improvements while deposing as prosecution witness. Therefore effectively, there is no evidence available against the petitioners and they are in custody since 14.06.2023 and 23.06.2023 respectively. Further, out of total 45 prosecution witnesses, only 04 have been examined till date and trial of the case is not likely to conclude any time sooner. Petitioner Rupinder Singh @ Gora is first time offender and he is not involved in any other case.

6. Learned State counsel has filed the custody certificates of the petitioners and *per contra* assisted by learned counsel for complainant opposes the prayer for grant of regular bail to the petitioners on the ground that they have played active role in enticing away the deceased and thereafter committed his

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murder. Further, petitioner-Saudagar Singh is also involved in 05 other cases under the NDPS Act and Prison Act. However, learned State counsel could not controvert the fact that co-accused Simranpreet Kaur @ Simmu has been granted the concession of regular bail by a Co-ordinate Bench of this Court vide order dated 24.07.2024.

7. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioners are behind the bars for the last 01 year 11 months and 01 day and 01 year 10 months and 23 days respectively. Similarly situated co-accused has already been granted the concession of regular bail by a Co-ordinate Bench of this Court. Trial of the case would take long time to conclude as out of total 45 PWs, only 04 have been examined so far. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioners.

8. A two Judge Bench of Hon'ble Supreme Court in '**Satender Kumar Antil v. CBI**' (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a demo

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cracy, there can never be an impression that it is a police State as both are conceptually opposite to each other.”

9. In view of the ratio of law laid down by Hon’ble Supreme Court in **Prabhakar Tiwari Vs. State of UP and Anr.** 2020(1) RCR (Criminal) 831 and **Maulana Mohd. Amir Rashadi Vs. State of U.P. and Others** 2012(2) SCC 382, the involvement of accused in other criminal cases cannot be the sole ground to deny him the concession of bail.

10. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioners- **Rupinder Singh @ Gora** and **Saudagar Singh @ Mani Fauji** are ordered to be released on regular bail during pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

11. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

12. A photocopy of this order be placed on the file of other connected case.

(HARPREET SINGH BRAR)
JUDGE

22.05.2025*Ajay Goswami**Whether speaking/reasoned
Whether reportable**Yes/No
Yes/No*