

2025.PHHC.005315



230.

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

CRM-M-51340-2024

Date of decision: 15.01.2025

Arshdeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Malkit S. Dhillon, Advocate, for the petitioner.

Mr. Amit Rana, Senior DAG, Punjab with
ASI Balinder Singh.

MANJARI NEHRU KAUL, J. (ORAL)

The instant petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.0062, dated 24.04.2023, under Sections 302, 34 of IPC (Sections 148, 149, 201 of IPC added lateron), registered at Police Station Division 4 (Lahori Gate), District Patiala.

Learned counsel for the petitioner has, at the outset, drawn the attention of this Court to the FIR in question which has been annexed as Annexure P-1, and stands reproduced hereinunder:-

“ statement of Sachin son of Satish Kumar resident of tenant in House No. 178, Gali No.06, Old Bishan Nagar, Police Station Lahori Gate, Patiala, District Patiala aged about 20 years, Mob. No.99146-24538, 62395-10224 recorded by SI/SHO Ramanpreet Singh 42/LRT Police Station Lahori

Gate, Patiala was received at Police Station through CT Gurpreet Singh 3438 for registration of case FIR under sections 302, 34 IPC against unknown person/persons, the contents of which are as under:- "Statement of Sachin son of Satish Kumar resident of tenant in House No. 178, Gali No. 06, Old Bishan Nagar, Police Station Lahori Gate, Patiala, District Patiala aged about 20 years, Mob. No. 99146-24538, 62395-10224. Stated that I am a resident of above said address and do household work. We are four sisters and brothers. My eldest brother is Aman, younger to him is my sister Naina and I am younger to her and youngest brother is Nakul. My brother Nakul aged about 17/18 years, used to live at home only. Yesterday i.e on 23.04.2023, I, my brother Nakul and his friend Anil Kumar @ Chottu son of Durga Prashad resident of House No. 34, Shaheed Bhagat Singh Colony, Patiala aged about 21 years, were sitting at my home and eating and drinking and at about 12.00 night, my brother Nakul had gone with his friend Anil Kumar on his motorcycle towards Railway Station Patiala for taking cigarettes etc.. Then at about 05.05 A.M, I received phone call from house of friend of my brother that Anil Kumar and Nakul had a quarrel near Corner Hotel Patiala and they are lying their smeared with blood. Then I after taking along my father Satish Kumar reached Corner Hotel, Opposite Bus Stand Patiala, where a lot of people had gathered at the spot and the people told me that two boys have died at this spot during quarrel and their dead bodies have been taken to Rajindra Hospital Patiala. I along with my father reached Rajindra Hospital, Patiala and identified the dead bodies of my brother Nakul and his friend Anil Kumar lying in mortuary. Then I along with my father was coming to Police Station Lahori Gate Patiala for lodging the report regarding taking action against the unknown person/persons killing my brother Nakul and his friend Anil Kumar that you along with police party met near Traffic lights roundabout near Bus Stand Patiala. I have got recorded my statement with you in presence of my father Satish Kumar have read and heard it, which is correct. Appropriate legal action be initiated against unknown person/persons. Sd/- Sachin"

Learned counsel for the petitioner has submitted that a perusal of aforesaid FIR reveals that neither was the petitioner named in the FIR in question by the complainant nor any suspicion raised regarding his involvement in the two murders. Furthermore, it has been asserted that

when the police arrived at the scene of the crime after the occurrence in question, they were unable to uncover any lead regarding the twin murders, despite the presence of the CCTV cameras in the vicinity.

It has been further argued by the learned counsel for the petitioner that it was two days after the occurrence in question, the complainant made a supplementary statement claiming that he had learnt from his own sources that all the accused including the petitioner was responsible for the two murders of Nakul (brother of the complainant) and his friend, Anil Kumar. It has been further highlighted by the learned counsel for the petitioner that in the present case, other than the supplementary statement made by the complainant which on the face of it is vague and unsupported by any cogent piece of evidence, there were no eyewitnesses to the occurrence in question, no witness of last seen, no extra judicial confessions made by any of the accused and most importantly, no specific motive attributed to the petitioner to have conspired with the co-accused to carry out the crime in question. It has been submitted that a previous altercation, as per the complainant himself, had taken place between his deceased brother Nakul and co-accused Anil Kumar. Given the aforementioned circumstances, learned counsel contends that it raises a big question mark about the veracity of the version brought forth by the prosecution in the present case. It has also been submitted by the learned counsel for the petitioner that after the charges were framed on 08.08.2024, the trial had not progressed further as none of the 27 prosecution witnesses

have been examined so far. Hence, the possibility of the trial concluding in the near future did not arise.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel opposite, has not disputed that the present case rests on circumstantial evidence nor has it been disputed that other than the supplementary statement made by the complainant, no other incriminating material/evidence had been collected by the Investigating Agency to link the petitioner with the twin murders.

On a pointed query put to learned State counsel as to whether any recovery of weapon of offence was effected from the petitioner or any disclosure statement made by him after he was arrested on 10.10.2023, learned State counsel, on instructions, has categorically replied in the negative. However, he has reiterated that the petitioner was part of the unlawful assembly which carried out the crime in question.

Learned State counsel, on further instructions, has not disputed the stage of the trial and has further apprised the Court that the next date is 29.01.2025 when in all likelihood, some of the prosecution witnesses would be examined.

In the facts and circumstances, as enumerated hereinabove, coupled with the fact that no specific attribution has been levelled against the petitioner with respect to the injuries allegedly inflicted upon both the deceased, this Court deems it fit to extend the concession of bail to the petitioner as the trial would take considerable time to conclude.

Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

January 15, 2025
sanjeev

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