



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

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CRM-M-61888-2024

Date of decision: 21st May, 2025

Gurpreet Singh @ Mithu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Kuljit Singh Bal, Advocate for the petitioner.

Ms. Himani Arora, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The instant one is the second petition for grant of regular bail as filed by the petitioner in case bearing FIR No. 63 dated 28.09.2023, registered under Sections 302, 460 and 380 of IPC (Sections 120-B and 34 of IPC added later on) at Police Station Jhander, District Amritsar. His previous petition bearing CRM-M-27700-2024 had been dismissed vide order dated 01.07.2024.

2. As per the allegations, the dead body of the victim Rajwant Kaur was found lying in her house in the morning of 28.09.2023 and the articles kept in the *almirah* and locker of the same, were found to be stolen. FIR was registered against unknown persons on the basis of statement of Resham Singh, brother-in-law of the deceased. Investigation proceedings were initiated. During investigation, accused Jugraj Singh and Jagpreet Singh had been arrested. On interrogation, they suffered disclosure



statements, on the basis of which, the petitioner was nominated as an accused on the allegations of hatching a conspiracy with them and then entered into the house of the victim, on the night of 26.09.2023 and committed her murder after committing theft of property lying therein. The petitioner was arrested on 18.10.2023. He too suffered disclosure statement admitting his involvement in the subject crime. The previous petition as moved by him had been dismissed by making the following observations:-

“As per the allegations, the petitioner along with the co-accused hatched a conspiracy and in pursuance of the same, criminally trespassed into the house of the victim Rajwant Kaur on the fateful night of 26.09.2023 and after committing theft of the property therein, committed the murder of the victim. The allegations against the petitioner are serious in nature. Simply because of the fact that he was not named in the FIR, he cannot be extended benefit of bail. The plea taken by learned State counsel that the petitioner may intimidate the material witnesses or abscond, if extended bail, cannot be stated to be unfounded, at this stage. Keeping in view the gravity of offences alleged to have been committed by the petitioner, the part played by the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances, this Court is of the considered view that the petitioner does not deserve to be given concession of regular bail. Hence, the petition stands dismissed.

3. It is argued by learned counsel for the petitioner that he has been implicated in this case on the basis of disclosure statement of the co-accused Jugraj Singh, who as per the prosecution case has suffered two disclosure statements. In the first disclosure statement, allegedly suffered by him, he had not disclosed about the participation of the petitioner at all and



rather had stated that he along with co-accused Jagpreet Singh had murdered the victim by entering into her house and committed theft of money.

4. Learned counsel for the petitioner has further argued that accused Jugraj Singh had allegedly suffered a second disclosure statement on 16.10.2024, wherein he had taken the name of the petitioner and had disclosed that the co-accused Jagpreet Singh (who is still absconding) asked the petitioner to accompany them but he had refused to do so. He further disclosed that he along with Jagpreet Singh had gone to the house of the victim, committed theft and then murdered her and then stated that the sickle used by them for causing death of the victim had been given by the petitioner. It is argued that there is no eye-witness of the occurrence and only circumstance connecting the petitioner with the subject offence is the disclosure statement of co-accused Jugraj Singh but the same even if believed, does not establish either his complicity in the murder of the victim or hatching of any conspiracy at all. The allegations that he had given a sickle to the co-accused cannot be considered to be sufficient to infer commission of any act of murder of the victim by him. There is no incriminating circumstance to connect him with the murder of victim. His previous petition was dismissed on 01.07.2024. The prolonged period of incarceration coupled with the nature of the attribution made by him, is sufficient to extend benefit of bail to him. It is submitted that all this amounts to a substantive change in the circumstances and therefore, it is urged that the petitioner deserves to be released on bail.

5. State report has been filed by respondent-State. Learned Deputy Advocate General, Punjab has argued that there are serious allegations



against the petitioner. His previous petition was dismissed by making detailed discussion. There are several circumstances connecting the petitioner with regard to hatching conspiracy for murder of the victim. He along with the co-accused suffered extra judicial confession admitting his involvement in the crime before prosecution witnesses Baljeet Singh and Pargat Singh, who are yet to be examined. The complicity of the petitioner in hatching conspiracy for murder of the victim stands *prima facie* proved. There is no substantive or specious change in the circumstance. Accordingly, it is stressed that the petition does not deserve to be allowed.

6. Rival contentions raised by learned counsel for the parties have been considered.

7. The petitioner is alleged to have hatched a conspiracy with the co-accused and in pursuance thereof, the co-accused Jugraj Singh and Jagpreet Singh are alleged to have entered into the house of the victim on the fateful night, committed theft of property and caused her homicidal death. The case is based on circumstantial evidence. The material witnesses are yet to be examined. The previous petition of the petitioner was dismissed by passing a detailed order. There does not appear to be any substantive change in the circumstances. It is well settled proposition of law the prolonged period of incarceration cannot be considered to be a solitary ground for grant of bail to an accused of a heinous crime like the present one. The trial may be expedited further. The petitioner might not have played any specific overt act in killing the victim but the allegations *prima facie* show his active participation in hatching conspiracy alongwith the co-accused for committing murder of the victim. Keeping in view the above discussed facts,



the nature of the allegations as levelled against him, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

21st May, 2025

Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |