

2025:PHHC:081111



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

242

CRM-M-62343-2024

Date of decision: July 07, 2025

GURMAIL SINGH @ RODU

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Harsh Chopra, Advocate
for the petitioner.

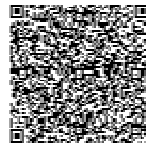
Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J.

1. The instant petition is the second petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in case FIR No.80 dated 02.08.2020 under 302, 201, 34 of Indian Penal Code, 1860 (and Sections 27, 54, 59 of Arms Act, 1959 added later on), registered at Police Station Morinda, District Rupnagar.

2. The FIR in question (Annexure P-1) was registered on the basis of a statement made by one Gurjant Singh, who alleged that his elder brother Kulveer Singh had entered into an 'Agreement to Purchase' House No.559, Sector-18, Chandigarh two years prior to the incident. A civil dispute regarding the said property was pending between Kulveer Singh and certain individuals, namely Jarnail Singh and Major Singh, residents of Village Dhanori, District Rupnagar.

3. On 31.07.2020, Kulveer Singh informed his family that he was going to Village Dhanori to hold discussions regarding the said civil dispute.



He left his house around 10 a.m. in his Audi car bearing registration No. CH-010-0005. It was later learned that a Sikh gentleman with a beard, nick name-‘Bhapa’, accompanied him.

4. Repeated attempts by the family to contact Kulveer Singh around noon on the same day on his mobile numbers went unanswered. Upon further inquiry, it was found that Kulveer Singh had visited Village Dhanori and met with the present petitioner, Rajinder Singh and Ratna (sons of Jarnail Singh and residents of Village Dhanori). However, thereafter, he went missing. The complainant, while lodging the FIR, strongly suspected that the petitioner and the above-named co-accused, along with unidentified Bhapa, had murdered his brother due to the ongoing dispute over the aforementioned property and had disposed of his body and car to destroy evidence. Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the present case, which is based solely on circumstantial evidence. It has been submitted that there is no direct or cogent material linking the petitioner to the commission of the alleged offence. The reliance of the prosecution on the disclosure statements of the petitioner has also been assailed on the ground that multiple disclosure statements recorded under Section 27 of the Indian Evidence Act, 1872 are materially inconsistent and contradictory in nature.

5. Learned counsel has further argued that the genesis of the FIR is rooted in an old and ongoing civil dispute between the petitioner and the deceased-Kulveer Singh regarding immovable property, which casts serious



doubt on the veracity and motive behind the allegations. It has been submitted that the petitioner has been in custody since 03.08.2020, and the trial is progressing at a slow pace, with only 7 out of 38 prosecution witnesses examined so far. Therefore, it has been urged that the petitioner be granted the concession of bail.

6. *Per contra*, learned State counsel, while opposing the prayer and submissions made by learned counsel for the petitioner, has submitted that the allegations against the petitioner are grave and serious in nature and are supported by strong circumstantial evidence. It has been pointed out that the Audi car belonging to the deceased was recovered from the Bhakra canal and that a large knife was found inside the vehicle, recovered pursuant to the disclosure statement made by none other than the petitioner himself.

7. Furthermore, it has been submitted that the revolver allegedly used in the commission of the offence, by which the deceased was shot, was also recovered at the instance of the petitioner. The postmortem report confirmed that the injuries sustained by the deceased were antemortem and corresponded with the time when he went missing. It has been, therefore, asserted that the medical and forensic evidence lends substantial weight to the case of the prosecution.

8. I have heard learned counsel for the parties and perused the relevant material placed on record.

9. The allegations against the petitioner are not only grave but are supported by *prima facie* incriminating material. The fact that the deceased



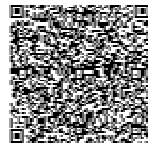
was last seen in the company of the petitioner and other accused persons in Village Dhanori on the day of the incident, coupled with the subsequent disappearance of the deceased, creates a strong chain of circumstances pointing towards the petitioner's involvement in the crime in question.

10. The recovery of the Audi car of the deceased from the canal and the recovery of a knife from the vehicle pursuant to the disclosure statement of the petitioner, as well as the recovery of the weapon of offence at the instance of the petitioner, are material factors which cannot be brushed aside lightly at this stage of the trial.

11. Furthermore, the nature of the dispute between the parties, namely the protracted history of civil litigation over some property, suggests a plausible motive for the alleged commission of the offence. While the petitioner has sought to project this civil dispute as a ground for false implication, it equally provides context and motive that at this stage supports the version put forth by the prosecution.

12. The inconsistency in disclosure statements, as pointed out by the petitioner may be matter for appreciation during the course of trial and this Court cannot, at this stage, render a conclusive finding on such evidentiary aspects.

13. Considering the seriousness of the allegations, the apparent motive stemming from prior strained relations, and the recovery of incriminating articles pursuant to the disclosure statement made by the petitioner, does not entitle the concession of regular bail to the petitioner.



The possibility of the petitioner influencing or tampering with the remaining prosecution witnesses, given the pending trial, cannot be ruled out.

14. In view of the foregoing, this Court does not deem it fit to extend the concession of regular bail to the petitioner.

15. Accordingly, the instant petition stands dismissed.

16. However, keeping in view the long custody period of the petitioner, the trial Court is directed to expedite the trial and conclude it at the earliest preferably within the next six months. It goes without saying that the prosecution as well as the defense shall cooperate in the expeditious conclusion of the trial.

17. It is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

July 07, 2025
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*