



CRM-M-59819-2025(O&M) 1
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-59819-2025(O&M)
Decided on :06.05.2026

Jatinder Kumar alias Goldy

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Bipan Ghai, Sr. Advocate with
 Mr. Nikhil Ghail, Advocate
 Mr. Armaan Singh Brar, Advocate for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

Mr. Amit Arora, Advocate for the complainant.

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SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS (corresponding to Section 439 Cr.P.C.) seeking regular bail in FIR No. 14 dated 25.02.2025, under Sections 103(1), 127(5), 140(1), 140(3), 238, 61(2), 191(3), 190 of BNS, registered at Police Station Chohla Sahib, District Tarn Taran.

2. Upon partly hearing learned Senior Counsel for the petition on 24.03.2026, the following was recorded:

“1. xxx

2. Initially FIR was got registered by the complainant-Lakhwinder Singh i.e. brother of Kuldeep Singh @ Ghuddar, who was taken away from the house on 23.02.2025 at about 9.00 p.m. by accused Sukhdev Singh @ Sonu s/o Kabul Singh. They had gone to have food at a hotel and had told to return shortly. Since Kuldeep Singh @ Ghuddar did not return home, third day i.e. 25.02.2025, FIR in the present case was got registered by

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complainant-Lakhwinder Singh. Initial version of FIR reads as under:

“It is submitted that I. Lakhwinder Singh, son of Baldev Singh, resident of Patti Dholoke, Chohla Sahib, state that on 23-02-2025, at about 9:00 PM, Sukhdev Singh son of Kabul Singh, resident of Khara, came outside our T house and called out my brother Kuldeep Singh @ Ghuddar son of Baldev Singh, resident of Chohla Sahib, from inside the house. He made him sit in his vehicle, saying that they were going to have food at a hotel and would return shortly. However, since that day my brother has not returned home. Further, the uncle of Sukhdev Singh, namely Hardial Singh, has stated that they had left Kuldeep Singh at Ghoda Chowk, Chohla Sahib. Therefore, it is requested that the said persons be brought and my rightful justice be ensured. Your kind action shall be highly appreciated. Sd/- Lakhwinder Singh Mobile Nos. 9780084637, 8198018633 ASI Bhagwant Singh 1441/T.T Proceed as per law. Sd/- Raj Kumar, Station House Officer, Police Station Chohla Sahib. Dated: 25-02-2025.”

3. *Thus, as per initial version, it was Sukhdev Singh, with whom deceased Kuldeep Singh had left the house lastly at 9.00 p.m. on 22.03.2025. For the reasons best known to prosecution Sukhdev Singh was not arrested, however, on 24.03.2025, again a supplementary statement was got recorded by complainant Lakhwinder Singh to the effect that on 23.02.2025, Sukhdev Singh @ Sonu had taken his brother away to a road side dhaba on the pretext of eating food. He, further got recorded that as per his personal enquiry his brother had been abducted by*

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Sukhdev Singh @ Sonu and his other companions namely Gurpal Singh, Baljit Singh @ Bhujia and Jatinder Kumar @ Goldy (petitioner herein). The version got recorded after a period of one month under Section 161 Cr.P.C., which reads as under:

“He stated that I am resident of the above said address. Case number 14 dated 25.02.2025, offence under Section 127(5) BNS, Police Station Chohla Sahib, was registered against Sukhdev Singh @ Sonu son of Kabal Singh resident of Khara. In this occurrence, my brother Kuldeep Singh @ Ghuddar son of Baldev Singh resident of Patti Dolo Ke, Chohla Sahib, on dated 23/02/2025 was taken away from a roadside dhaba on the pretext of eating food. It has been about one month since he was abducted. I have inquired on my own, and in abducting my brother, along with Sukhdev Singh @ Sonu aforesaid, his companions Gurpal Singh son of Didar Singh resident of Sarhali, Baljit Singh @ Bhujia son of Jarnail Singh resident of Ward No. 04, Kandiyala Road, Patti near Gopi Cycle Store, Foji Colony, Patti, and Jatinder Kumar @ Goldy son of Davinder Kumar resident of Maha Shiv Shakti Nursing School, Khem Karan Road, Patti, presently residing Mall Road, Amritsar, by planning together, in their Innova vehicle, abducted and for about one month have kept him confined at some undisclosed place in their illegal custody. I have firm belief that this act has been done by the said four persons. They should be nominated as accused in this case and arrested at the



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earliest, so that my brother Kuldeep Singh @ Ghuddar may be returned to us. I have got my statement recorded to you, the same has been read over and found correct.

*Sd/- Lakhwinder Singh
aforesaid.”*

4. *On 24.03.2023, the named accused in FIR Sukhdev Singh, was arrested and thereupon he got recorded his disclosure statement involving therein two accused namely Arshdeep Singh and Gurpal Singh, who joined hands in the present crime and at his instance dead body of Kuldeep Singh was recovered from heap of paddy straw in the fields. As per his disclosure statement, the role assigned to the petitioner is of conspiring/planning to kill the deceased.*

5. *Learned State counsel is directed to file response, if there is any material evidence admissible in law and is collected during investigation.*

6. *List again on 06.05.2026.”*

**Date recorded in paragraph No. 4 hereinabove shall be read as
24.03.2025.**

3. Continuing his submissions, Mr. Bipan Ghai, learned Senior Advocate, submits that the deceased had left his house on 23.02.2025 along with Sukhdev Singh @ Sonu, whereupon an FIR regarding the missing of Kuldeep Singh @ Ghuddar was registered on 25.02.2025.

On 24.03.2025, in the supplementary statement of the complainant, name of the petitioner surfaced for the first time along with other co-accused. The dead body of the deceased was recovered at the instance of co-accused-Sukhdev Singh. In fact, after the arrest of the petitioner on 25.03.2025, nothing was recovered from him or at his instance.



Reliance placed by the prosecution on an extra-judicial confession allegedly made before one Jagtar Singh is of no consequence, as the same was recorded on 04.06.2025, i.e., much after the arrest of the petitioner on 25.03.2025. Otherwise also, had any such crime been confessed by the petitioner, the said witness could have produced him before the police or at least disclosed the facts earlier. The delay in making such disclosure on 04.06.2025 casts serious doubt on the credibility of the statement. Such weak evidence, which is otherwise inadmissible, cannot justify the continued detention of the petitioner for an indefinite period. Thus, he prays for the grant of regular bail.

4. On the other hand, learned State counsel as well as counsel for the complainant submit that petitioner, along with co-accused Sukhdev Singh, Gurpal Singh and Arshdeep Singh, is collectively involved in the murder of Kuldeep Singh @ Ghuddar. It is contended that once the offence has been confessed, the plea for bail should not be entertained until the said witness is examined. Accordingly, they pray for dismissal of the present petition.

5. I have heard learned counsel for the parties and perused the paper-book along with the appended documents.

6. Though there is an alleged extra-judicial confession, neither any comment nor opinion is warranted, nor should any be expressed in the present bail proceedings in respect of the said evidence. However, it is not necessary to elaborate further on the same at this stage. As per said document, guilt is stated to have been admitted by the accused before witness Jagtar Singh, though no specific period is mentioned therein.

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However, the statement of the said witness was recorded by the Investigating Officer on 04.06.2025, i.e. much after the arrest of the petitioner. Petitioner is in custody since 25.03.2025, and the process of recording statements of witnesses is likely to take considerable time.

Accordingly, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/Illaq Magistrate/ Duty Magistrate concerned, if not required in any other case.

7. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

8. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

06.05.2026***Rashmi***

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No