



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

CRM-M-64667-2024

Reserved on: 12th March, 2025

Pronounced on: 18th March, 2025

Gagandeep Singh @ Gaggu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Amandeep Singh Rai, Advocate for the petitioner.
Ms. Swati Batra, Deputy Advocate General, Punjab.

MANISHA BATRA, J :-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 86 dated 17.08.2022 registered under Section 364 of IPC (Sections 302, 201 and 212 read with Section 34 of IPC added later on) at Police Station Payal, District Khanna.

2. As per the prosecution case, on 16.08.2022, at about 6:00 PM, victim- Jagdev Singh @ Kala, brother of the complainant Dalvinder Singh had gone towards his agricultural land for bringing cattle feed on his motor bike. He did not return home and also did not respond to the calls made on his mobile phone. The complainant along with his brother Nirmal Singh went towards the fields and found the motor bike of his brother being parked at the tubewell but he was not there. His mobile phone was also found lying in the paddy fields. Search was made for him. His footwear were also found lying on the way. Some dots of blood were also found. Suspecting that the victim had been abducted with intention to be killed and had been taken



somewhere, the complainant Dalwinder Singh prayed for taking action in the matter. On his statement, the aforementioned FIR was initially registered under Section 364 of IPC. Investigation proceedings were initiated. The dead body of the victim was found lying in the canal on 18.08.2022. Offences under Sections 302 and 201 read with Section 34 of IPC were added.

3. As per the further allegations, on 18.08.2022, the witness Hardeep Singh, who was Sarpanch of the same village recorded his statement under Section 161 of Cr.P.C. disclosing that on the same day, the petitioner along with co-accused had come to his house and firstly, accused Lovepreet Singh @ Bablu had told him that on 16.08.2022, he had a scuffle with victim-Jagdev Singh @ Kala, during the course of which, he had hit the head of victim with a stick resulting in his death. He had informed the co-accused Jagdeep Singh @ Jaggu about the incident, who reached at the spot. They dragged body of the victim towards canal and before throwing the same into the canal, had struck another blow on his head to ensure his death. Thereafter, they had gone to the house of the accused Jagdeep Singh @ Jaggu. Accused Lovepreet Singh @ Bablu further informed that the petitioner who met them at the house of accused Jagdeep Singh @ Jaggu, was told about the incident and had assured to help them and then, he called the co-accused Sarabjit Kaur on phone, who had taken them to a hotel. He had further disclosed that they had come to their village on the next day. On the basis of his statement, the petitioner and Sarabjeet were nominated as accused. They were arrested on 19.08.2022. They suffered disclosure statements admitting their involvement in the subject crime. Investigation now stands concluded.



4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. He has been implicated on the basis of disclosure statement of the co-accused. No recovery has been effected from him. The allegations against him are only of harbouring the co-accused and not committing the murder of the victim. He is in custody since long. Trial is likely to take time. His further incarceration would not serve any useful purpose. Therefore, it is urged that he deserves to be released on bail.

5. Status report has been filed by respondent-State. It is argued by learned Deputy Advocate General, Punjab that there are serious allegations against the petitioner. He had harboured the co-accused and in pursuance of a conspiracy hatched with them aided them in causing disappearance of evidence of the offence of murder of the victim. He along with the co-accused suffered extra judicial confession before the witness Hardeep Singh admitting his involvement in the act of harbouring the co-accused. Therefore, it is urged that the petition does not deserve to be allowed.

6. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

7. The petitioner is alleged to have harboured the co-accused Lovepreet Singh @ Bablu and Jagdeep Singh @ Jaggu with intention to prevent them from being apprehended and in order to cause disappearance of evidence of offence of murder of the victim as committed by accused Lovepreet. In the given nature of the allegations as levelled against the petitioner, it is a debatable issue, as to whether, he committed any offence of murder of the victim, since the allegations point out his involvement in commission of offence of harbouring the co-accused. The petitioner is in



custody since 19.08.2022. Trial will likely to take time. His further incarceration would not serve any useful purpose.

8. Keeping in view the above discussed facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned and subject to condition that he shall not leave the country during the pendency of the trial, without permission of the learned trial Magistrate and he shall disclose his present as well as permanent address before the learned trial Court at the time of furnishing of bonds and shall also give copy of his Aadhar Card along with PAN Card if any and details of his mobile phone number to the learned trial Court and in case, any change in his address or mobile phone number takes place, then he shall inform about the same to the learned trial Court during trial of the case.

9. In case of violation of any of the conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

10. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

18th March, 2025

Parveen Sharma

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