



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

237

CRM-M-58737-2024
Date of decision: 20.01.2025

Baljinder Singh and anotherPetitioners

Versus

State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. L.M. Gulati, Advocate
for the petitioners.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.42 dated 02.05.2023 under Sections 302 of the IPC (Section 34 of the IPC added lateron) registered at Police Station Rajasansi, District Amritsar.

2. Learned counsel for the petitioners has argued that no suspicion much less by way of a whisper was raised qua the involvement of the petitioners in the murder of Salomi (sister of the complainant and hereinafter referred to as 'deceased') while lodging the FIR in question. The case of the prosecution rests on circumstantial evidence. It has been further argued that as per the prosecution case, the brother of the petitioners was in a relationship with the deceased and since the complainant party was dissuading the deceased from continuing with her dalliance with co-accused Arshdeep Singh, murder



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in question was carried out by all the three accused in connivance with each other. It has been further submitted that an extra judicial confession was alleged to have been made by co-accused Arshdeep Singh before a shopkeeper of the village to the effect that he along with the co-accused, including the petitioners, after assaulting the deceased had pushed her to her death in a canal. Learned counsel has argued that no such extra judicial confession was made by the petitioners and even otherwise it cannot be read against the petitioners as it holds very weak evidentiary value. Learned counsel has further submitted that other than the alleged extra judicial confession made by co-accused Arshdeep Singh, no material had been collected by the investigating agency to link the petitioners with the murder in question. Learned counsel has, therefore, prayed that in the aforementioned facts and circumstances, since not only investigation is complete and charges also stand framed, the petitioners be admitted to bail as only 01 prosecution witnesses out of the 26 cited, has been examined till date. It has also been brought to the notice of this Court that identically placed co-accused Dalbir Kaur has already been extended the concession of bail by this Court vide order dated 13.11.2024 (Annexure P-2).

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioners, has reiterated the allegations levelled in the FIR in question which stands reproduced hereinunder:-

“Statement of David Singh son Kuldeep Singh resident of Colony Loharka Road Amritsar. of Gumtala Aged about 24 years. Mobile No.75087-98927. Stated that I am a resident of the said address and working in Axis Mutual



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Fund. My father died in the year 2005. We are three brothers and sisters, the eldest me and my younger sister Salemi age 20 years and her younger brother namely Saleem. My younger sister works at Dental Clinic Loharka Road. Arshdeep Singh alias Rahul son of Teg Singh who is living in our street and above Arshdeep and my sister had affair with each stopped. Yesterday sister went to a love other, which we on 01.05.2023 my the dental clinic at about 09:15 AM. When she did not come home by 10 PM, we got worried because she used to come home till night at 8.30 every day and I started searching for her along with Lallu son of my uncle. Today we recognize that Car No.UP16-FT-4591 which belongs to above Arshdeep Singh is standing at Canal (Sua) near village Jagdev Kalan. After hearing this, I and Lallu son of my uncle came to village Jagdev Kalan then one car is standing in a helpless condition at Jagdev Kalan Canal to Guru Ke Bagh Road. then I saw that the dead body of my sister Salemi is covered with blood. She had a wound on her neck and sharp wounds on her neck. I am sure that Arshdeep Singh alias Rahul has been killed my sister Salemi and dumped in the Canal, because his car is also on the road, blood is splattered on the car. Mobile Number of my sister is 76964-52142. You have reached the spot after getting the information. I have written my statement to you. Please take action. Sd/ David Singh above said. Sd/- Ramandeep Kaur SHO Police Station Raja Sansi dated 02.05.2023.”

4. It has been submitted by the learned State counsel that although there was no extra judicial confession suffered by the petitioners, however, it has surfaced during investigation that the petitioners were active conspirators to the crime in question and had accompanied prime accused Arshdeep Singh when the deceased was strangulated to her death and thereafter pushed into the canal.

5. On a pointed query put to the learned State counsel as to whether there was any other material collected by the investigating agency other than the extra judicial confession made by co-accused to connect the petitioners with the alleged murder, he, on instructions has



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candidly replied in the negative.

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

7. The petitioners have been in custody, in a case resting on circumstantial evidence, since 02.11.2023. Only 01 prosecution witnesses out of the 26 cited, has been examined till date. The charges were framed way back on 05.03.2024 and ever since then the trial has come to a virtual standstill. Next date fixed before the learned Trial Court is 05.02.2025. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioners.

8. Accordingly, the instant petition is allowed. The petitioners be admitted to bail on their 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.

9. However, it is clarified that in case the petitioners misuse the concession of bail granted to them, the prosecution/State would be at liberty to seek cancellation of the same.

20.01.2025

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(MANJARI NEHRU KAUL)

JUDGE

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