

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

CRM-M No. 24572 of 2016
Date of decision : August 22, 2016

Gurpreet Singh @ Gora

..... Petitioner

v.

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. KS Panoo, DAG Punjab

Mr. Ritesh Pandey, Advocate
for the complainant.

Ajay Tewari, J (Oral)

The petitioner seeks grant of regular bail in case FIR
No.140, dated 10.12.2015, registered under Sections 302, 364, 201, 404,
34 of the IPC, at Police Station City Gurdaspur.

On 2.8.2016, the following order was passed :-

“This petition has been filed under Section 439 Cr.P.C
for grant of regular bail to the petitioner in case F.I.R.
No.140 dated 10.12.2015 registered under Sections

302/364/201/404/34 IPC at Police Station City Gurdaspur, District Gurdaspur, Punjab.

Learned counsel for the petitioner has argued that the petitioner has now been in custody since 11.12.2015. The only evidence against him is the confessional statement of the co-accused and that also exculpates.

Learned DAG on instructions from ASI Gurmukh Singh has accepted the fact and states that there are call records which show that the petitioner was in contact with the other co-accused but has accepted that the only substantive evidence against him is the confessional statement of the co-accused which too exculpates the petitioner from the actual offence of murder.

Learned counsel for the complainant has, however, argued that the matter is fixed for evidence for 06.08.2016 and it would be appropriate to allow the complainant to give his evidence before granting bail to the petitioner.

In the circumstances, matter is adjourned to 09.08.2016.”

Thereafter, on 9.8.2016, the following order was passed:-

“ It is stated that the evidence of the complainant could not be recorded on 6.8.2016 since the Trial Judge was on leave and the matter is now fixed for 17.08.2016.

Adjourned to 22.08.2016.”

Counsel for the petitioner has shown to the Court a certified copy of the order dated 17.8.2016, as per which no PW was present.

Counsel for the complainant states that the complainant was actually present and this would be apparent from the order dated 17.8.2016 also.

Be that as it may, the case was originally adjourned to

enable the complainant to give his testimony and since he has failed to do so, I do not deem it appropriate to deny the concession of regular bail to the petitioner.

Bail to the satisfaction of the trial Court.

Petition stands disposed of.

August 22, 2016
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No