

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-20825 of 2018
Date of Decision: 17.12.2018

Gurpreet Singh Sidhu

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Ms. Isha Goyal, Advocate
for the petitioner.

Mr. C.L.Pawar, Sr. DAG, Punjab.

Mr. Gautam Pathania, Advocate,
for the complainant.

RAJ SHEKHAR ATTRI, J.

The present petition has been filed under Section 439 Code of Criminal Procedure (in short, “Cr.P.C”.) for grant of regular bail to the petitioner in case FIR No.148 dated 8.7.2014 registered for the offences punishable under Sections 307, 34 of Indian Penal Code (for short, “IPC”) (302 and 120-B IPC added later on) and Sections 25 and 27 Arms Act at Police Station City Moga, District Moga.

Heard.

FIR was registered against unknown assailants alleging that on 8.7.2014 at about 5:00 a.m., Gurdeep Singh Gill had settled for a morning walk. However, after about 10 minutes, he was brought to home in badly injured condition. He told to his wife-Smt.Jaspal Kaur (informant) that some unknown persons with an intention to kill him fired a shot from a firearm

and he requested that he be quickly taken to the hospital. Thereafter, he was first taken to Civil Hospital and then to DMC Hospital, Ludhiana. Unfortunately, he succumbed to the injuries in DMC Hospital, Ludhiana. None was nominated as an assailant as there was no eye witness of the occurrence.

However, on 14.10.2014 i.e. after more than two months from the date of occurrence, Mandeep Pal Singh Gill son of the deceased, has stated that he visited DMC Hospital, Ludhiana to enquire about the health of his father and at that time, his father told him that the attack on him was arranged by Gurpreet Singh Sidhu, petitioner with a well planned conspiracy. Even Smt. Jaspal Kaur (informant) also suffered a similar statement on 24.11.2014 when she has stated that while admitting in DMC Hospital, Ludhiana, her husband had disclosed that attack on him was arranged by the petitioner.

It has been argued on behalf of the petitioner that the petitioner was not in India at the time of occurrence and that there is no direct or indirect evidence available on record as to whether he made a conspiracy as on that day he was in foreign country. She further submits that all the prosecution witnesses have been examined.

On the other hand, learned State counsel as well as counsel for the complainant have vehemently contended that the prosecution has already closed evidence and the trial is at the fag end.

I have heard the counsel for the parties and gone through the record.

Undisputedly, the petitioner was not in India at the time of

The petitioner has been arraigned on the supplementary statement of PW Mandeep Pal Singh Gill recorded on 14.10.2014 and that of Smt.Jaspal Kaur (informant) recorded on 24.11.2014.

Counsel for the petitioner has submitted that their evidence is not reliable as they concocted the story more than two months after the occurrence. Even Smt. Jaspal Kaur had suffered a statement after more than four months of the occurrence.

To the mind of this Court, this is for the trial Court to appreciate the evidence at the appropriate stage of the trial. This is no stage to critically examine the evidence. However, all the prosecution evidence have already been examined.

Keeping in view the peculiar facts and circumstances of the case and without expressing any opinion on merits of the case, this Court is of the view that the petitioner is entitled to the concession of regular bail. Accordingly, the present petition is allowed and petitioner-Gurpreet Singh Sidhu son of Gurcharan Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the

petitioner shall have to apply for bail afresh.

- (c) He shall not leave the country without the previous permission of the Court.

December 17, 2018

Paritosh Kumar

**(RAJ SHEKHAR ATTRI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No