

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29039-2018 (O&M)

Date of Decision:- 21.11.2018

Heera and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. J.S.Thind, Advocate, for the petitioners.

Ms. Simranjeet Kaur, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

The petitioners seek grant of regular bail in a case registered vide FIR No.170 dated 28.8.2014 under Sections 364, 302, 201, 148, 149 and 34 of Indian Penal Code, 1860 registered at Police Station C-Division, Amritsar City.

The case pertains to murder of Lovepreet Singh and Gurpreet Kaur in which 8 persons had been arrayed as accused. The learned counsel for the petitioners has submitted that trial in respect of 5 of the accused has already concluded and who have since been acquitted and that the other 3 accused including the present two petitioners had been declared proclaimed offenders. The learned counsel has further submitted that the present case is based on circumstantial evidence and that after arrest of petitioner the trial has commenced and the complainant had been examined who has resiled and had not supported the case of the prosecution at all.

On the other hand, the learned State counsel while admitting the fact that the complainant had resiled has opposed the petition on the ground that in view of the serious nature of the offences wherein two murders had taken place, no case for grant of bail is made out.

Having considered rival submissions addressed before this Court and bearing in mind the fact that it is a case based solely on circumstantial evidence wherein the complainant has already resiled, who was a witness towards the “last seen” evidence and also the fact that the petitioners after their arrest have been behind bars since the last 9 months and that the conclusion of trial is likely to take some more time, in my opinion, it is a fit case for grant of bail. The petition, as such, is accepted and petitioners Hira Singh @ Hira and Labh Singh @ Galo are ordered to be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

The present petition stands accepted accordingly.

November 21, 2018
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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No