

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51423-2018 (O&M)

Date of Decision:- 11.12.2018

Gurdev Singh and others

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Akshay Sandhir, Advocate, for the petitioners.

Ms. Ruchika Sabherwal, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

By way of filing this petition, the petitioners seek grant of regular bail in a case registered against them vide FIR No. 49 dated 29.5.2018, registered at Police Station Bhindi Saidan, District Amritsar, under Sections 302, 148 and 149 of Indian Penal Code, 1860.

The FIR was lodged at the instance of Bira Singh who has alleged that on the day of occurrence his aunt's son, Gurdev Singh @ Gabi, Baldev Singh, Bagga, Geeta, Lakha, Deva Singh and Manga Singh were fighting amongst themselves regarding some dispute over a wall and when he along with his father Joginder Singh and Amarbir Singh tried to intervene, being their relatives, then Gurdev Singh @ Gabi, Geeta and

Lakha who were standing on the roofs and were throwing brick-bats challenged them as to why they were interfering and threw brick-bats at them, hitting his father who ultimately succumbed to his injuries.

Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in the present case and in fact it is a case where identity of the accused was not known. Learned counsel in this context has drawn the attention of this Court to statement of complainant Bira Singh, recorded in the Court (Annexure P-1) and also statement of eye witness Amarbir Singh (Annexure P-2) wherein they did not identify the accused.

On the other hand, learned State counsel has opposed the petition while submitting that in view of the serious nature of crime and also the fact that the petitioners are specifically named in the FIR, no case for grant of bail is made out.

I have considered rival submissions addressed before this Court. A perusal of statement of complainant-Bira Singh, recorded in the Court shows that he has specifically stated that some unknown persons with muffled faces had thrown brick-bats and that accused present in the Court are not those persons. Similarly, eye witness Amarbir Singh, while in the witness box has stated that the accused present in the Court namely Baldev Singh, Gurdev Singh and Hardev Singh are not the persons who caused injuries to his grand-father Joginder Singh. The aforesaid statements show that both the witnesses were point-blank given a clean chit to the accused. I further find that the petitioners, in any case have been behind bars since the last about 5 months and 18 days. Bearing the aforesaid facts and circumstances, in my opinion, it is a fit case for grant of regular bail.

Accordingly, petitioners-Gurdev Singh, Hardev Singh and Baldev Singh are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

This petition stands accepted accordingly.

December 11, 2018

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(GURVINDER SINGH GILL)

JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No