

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

**Criminal Misc. No. M-3572 of 2019 (O&M)
Date of decision: 22.04.2019**

Gursewak Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. SPS Chakkal, Advocate for
Mr. Kulwinder Singh, Advocate
for the petitioner.

Mr. IPS Doabia, Addl. AG, Punjab
for the respondent-State.

Daya Chaudhary, J. (Oral)

CRM No.12522 of 2019

This application has been moved for placing on record
Annexures P-8 and P-9.

Application is allowed and Annexures P-8 and P-9 are taken on
record.

CRM-M No.3572 of 2019

This petition has been moved under Section 439 Cr.P.C. by the
petitioner for grant of regular bail to him in case FIR No.64 dated
08.07.2017 registered under Sections 324, 323, 342, 148, 149 IPC and
Sections 302 and 365 IPC added later on at Police Station Ghanaur, District
Patiala.

Learned counsel for the petitioner submits that the petitioner
has falsely been implicated in the case whereas he was not involved in
commission of offence. Complainant and eye witness have been examined

.....

and they have not supported the case of the prosecution. Learned counsel further submits that statements of Investigating Officer as well as the Doctor, who has conducted the post mortem examination, have been recorded and nothing fruitful has come in their statements to prove the involvement of the petitioner. The petitioner is in custody since 04.08.2017. Out of total 27 prosecution witnesses, 11 witnesses including the material witnesses have been examined. Learned counsel also submits that all the injuries were declared simple and the deceased was discharged from the hospital after finding his physical condition as good but subsequently, he died and death has not occurred due to injuries alleged to have been caused by the petitioner. Co-accused of the petitioner have been released on regular bail.

Custody certificate has been filed in the Court and the same is taken on record.

Learned State counsel has not disputed the custody period as well as stage of trial but has opposed grant of bail on the ground that the petitioner is the main accused.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

By considering the custody of the petitioner since 04.08.2017 and the fact that out of total 27 prosecution witnesses, 11 witnesses including the material witnesses have been examined; co-accused of the petitioner have been released on regular bail; complainant as well as eye witness have not supported the case of the prosecution; as per statements

.....

occurred due to injuries, the present petition is allowed and the petitioner (Gursewak Singh) is directed to be released on regular bail on furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

22.04.2019
neetu

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes