

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

CRM-M-3781 of 2019

Date of Order: 31.01.2019

Hardeep Singh @ Baggi

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Manpreet Ghuman, Advocate for the petitioner.

Ms. Simranjeet Kaur, AAG, Punjab.

GURVINDER SINGH GILL, J (ORAL)

The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.124 dated 30.9.2017 at Police Station Barnala under Sections 302, 34 of Indian Penal Code, 1860.

The FIR was registered at the instance of Darshan Singh, wherein it has been alleged that one of his son Gursewak Singh is married to Virpal Kaur and that said Virpal Kaur called the complainant telephonically on the previous night informing that Gursewak Singh had not returned back home. On receipt of said information, the complainant went to the house of Gursewak Singh and thereafter tried to locate him. Subsequently, the complainant was informed that a dead body is lying in front of Gurdwara Sahib at Village Khundi Kalan and when the complainant along with Balwinder Singh reached at the spot, the dead body was found to be of complainant's son Gursewak Singh. The complainant alleged that some unknown persons had killed his son.

Learned counsel for the petitioner has submitted that the present case is a case of blind murder and is based totally on circumstantial

evidence and that the petitioner is sought to be implicated on the basis of disclosure statement allegedly made by the co-accused Veerpal Kaur and Gurpreet Singh.

Opposing the petition, learned State counsel has submitted that in view of seriousness of allegations and also the fact that apart from the disclosure statement, one Chhinder Pal Kaur cousin of the deceased had also seen the petitioner along with Gurpreet Singh carrying dead body of Gursewak Singh, no case for grant of bail is made out. It has, however, been informed that the petitioner has been in custody since 14.10.2017 and as on date, 5 PWs out of 21 have been examined.

Having considered rival submissions addressed before this Court and bearing in mind the fact that the present case is based totally on circumstantial evidence and also that the petitioner has been behind bars since the last more than one year and 4 months and as on date only five prosecution witnesses out of 21 have been examined and that conclusion of trial is likely to take some time, in my opinion, no useful purpose will be served by detaining the petitioner behind bars any further. The petition, as such, is accepted. The petitioner Hardeep Singh @ Baggi is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition stand accepted accordingly.

January 31, 2019
manoj

(GURVINDER SINGH GILL)
JUDGE

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