

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

201

CRM-M No. 17288 of 2019

Date of decision : 7.12.2019

Gurmeet Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Salil Dev Singh Bali, Advocate, for the petitioner

Ms. Amarjit Kaur Khurana, DAG, Punjab

Mr. Harsh Raheja, Advocate, for the complainant

Rajbir Sehrawat, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No. 56 dated 8.5.2018, registered under Sections 302, 341, 323, 324, 506 and 120B/34 IPC at Police Station Kulgarhi, District Ferozepur.

It is contended by learned counsel for the petitioner that the case against the petitioner is totally concocted. The investigating officer himself has recorded that as per the investigation the petitioner was not present at the scene of occurrence. However, even thereafter, the challan has been filed against the petitioner by involving him on the basis of suspicion of conspiracy. Even as per the initial allegations against the petitioner, he is alleged to have caused injuries only to one of the witnesses. There is not even an allegation that the petitioner caused any injury to the deceased, even as per the version of the complainant. Still further, it is submitted that the petitioner is in custody since 18.8.2018. Although 5 witnesses were examined by the prosecution out

of the 20 witnesses, however, now one more accused has now been joined in

the trial. Therefore, the trial is bound to start de-novo. In any case, the petitioner is not required for any investigation purposes. Hence, he deserves to be released on bail.

On the other hand, learned counsel for the State, being instructed by the police official and the counsel appearing on behalf of the complainant, submit that the petitioner is involved in a heinous crime of murder. Therefore, he does not deserves any concession of bail. However, it is not disputed that even as per the challan filed by the police, he was disclosed to be not present at the scene of occurrence. Although, the factum of presence of the petitioner would be the matter to be decided during the trial, however, at this stage, this would be one of the relevant facts for the purpose of consideration of bail to the petitioner.

In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

7.12.2019

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No