

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

CRM-M-36835-2018 (O&M)
Date of Decision:-13.5.2019

Hardip Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Satwant Mehta, Advocate for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

Petitioner Hardip Singh has filed this petition seeking grant of regular bail in respect of a case registered against him vide FIR No.84 dated 8.9.2015 under Sections 302/34 IPC at Police Station Valtaha, District Tarn Taran.

The FIR was lodged at the instance of Gurjit Kaur wife of Sukhwinder Singh wherein it has been alleged that she along with her husband and children were residing in Gurdwara Baba Beer Singh Village Dasuwal where her husband Sukhwinder Singh was serving as a Granthi who usually used to get up early in the morning at about 4 a.m. It is alleged and on 7.9.2015 after taking meals in the evening, they went to sleep. However, her younger son started compelling her to sleep outside and she accordingly went outside along with both of her children to sleep. It is alleged that at about 3 a.m. when she got up she found that the lights of the Gurdwara were switched off and when she went inside and switched on the lights, she found that her husband was lying on the cot in a pool of blood. She immediately

called her neighbour Gurcharan Singh and she along with Gurcharan Singh and his wife took her husband to hospital where he succumbed to his injuries. It is further the case of prosecution that subsequently on 16.9.2015, Gurjit Kaur made an extra-judicial confession before Jagtar Singh, brother of the deceased admitting that she along with the petitioner Hardip Singh had killed Sukhwinder Singh.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that in any case it is a case of blind murder and is based on circumstantial evidence. It has further been submitted that apart from the alleged extra-judicial confession, there is no other convincing evidence to connect the petitioner with the alleged occurrence, although the prosecution claims to have recovered a '*Ghotna*' at the instance of the petitioner.

Opposing the petition, the learned State counsel has submitted that since the co-accused Gurjit Kaur had suffered extra-judicial confession and had also got recovered a knife with which Sukhwinder Singh was murdered and that Gurjit Kaur had also admitted that she alongwith petitioner had murdered Sukhwinder Singh, no case for grant of bail is made out. It has, however, been informed that the petitioner has been behind bars since 16.9.2015 and till date only 9 out of the 25 PWs have been examined.

Having considered rival submissions addressed before this Court and bearing in mind the fact that the case is based on circumstantial evidence and also that the petitioner has been behind bars since the last 3 years and 8 months and till date only 9 out of the 25 PWs have been examined, in my opinion, further detention of the petitioner is not justified

as the trial is still likely to take time for its conclusion. The petition is accepted and the petitioner Hardip Singh is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

13.5.2019

kamal

Whether speaking /reasoned

Whether Reportable

(Gurvinder Singh Gill)

Judge

Yes / No

Yes / No