

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

**CRM-M No. 30445 of 2019
Date of Decision:-02.09.2019**

Ramandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Onkar Singh Batalvi, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

Mr. G.S. Manku, Advocate for
Mr. A.S. Manaise, Advocate
for the complainant.

MANOJ BAJAJ J.(Oral)

Petitioner-Ramandeep Singh has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.34 dated 12.7.2017, under Sections 302, 452, 324, 323, 148 read with Section 149 IPC, registered at Police Station Dorangla, District Gurdaspur.

As per prosecution case, on 11.7.2017, Ramandeep Singh alongwith co-accused persons attacked upon the complainant and his parents and caused injuries to them with the weapons. The entire occurrence was witnessed by Kashmir Singh and his mother, who rescued

the complainant and his parents from the clutches of accused persons.

Learned counsel for the petitioner contends that the petitioner was arrested on 19.7.2017 and has been attributed a brick blow allegedly given on the back of head of the deceased, namely, Gurdial Singh. It is pointed out that the complainant and the accused are neighbours and residing in the same village. The petitioner was unarmed, who allegedly picked up a brick and hit the victim. He further submits that in all, initially six accused were named and out of them three were found innocent and the challan was presented against three accused persons. The other two accused, who were challaned, are on bail. According to him the trial is likely to take considerable time as only two prosecution witnesses have been examined so far out of total 24 witnesses. He submits that the eye witness/injured Kulwant Kaur stands examined by the prosecution and rest of the witnesses are official witnesses.

On the other hand, the prayer is opposed by learned State counsel, who is assisted by SI Bakhshish on the ground that the petitioner participated in the crime and cause of death is the injury caused by the brick blow given by the petitioner. However, it is not disputed that only two witnesses have been examined so far.

Learned counsel appearing on behalf of complainant also opposed the prayer on the ground that the case of the prosecution hinges upon the eye witness account and the injury caused by the petitioner proved fatal, which resulted into death of the victim.

Considering the above background and the fact that out of total

24 prosecution witnesses only 02 have been examined and rest of the witnesses are to be examined, which is likely to consume some time, further detention of the petitioner may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing the requisite bail bonds and surety bonds to the satisfaction of the trial Court, Gurdaspur.

The petition is allowed.

September 02, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No