

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

CRM-M- 1473-2020 (O&M)
Date of Decision:- 10.06.2020

Gurpreet Singh @ Gopi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Navkiran Singh, Advocate for the petitioner.

Mr. H.S.Sullar, DAG, Punjab.

*(the aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in Virtual Court)*

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of regular bail in a case registered against him vide FIR No.68 dated 26.6.2016 under Sections 302/120-B/34 IPC and under Section 25 of Arms Act, 1959 at Police Station Bhogpur, District Jalandhar.
2. The FIR in question was lodged at the instance of Ram @ Chottu wherein it has been alleged that he is nephew of Baba Pritam Singh and that many people visited said Baba ji. On the day of occurrence i.e. on 25.6.2016, when he and Champion son of Satpal were rendering services inside the Dera at about 5:30 p.m. then two young persons came there to meet Baba ji and to pay obeisance and went to his room upstairs. After a short while, the said two persons came down and at that time he heard somebody shouting that Baba ji has been killed. The said two persons, however, fled away from

the spot. The said Baba ji was found to be lying in a pool of blood and was taken to hospital where he was succumbed to his injuries.

3. The learned counsel for the petitioner has submitted that he is not named in the FIR and is sought to be nominated on the basis of alleged disclosure statement made by co-accused Onkar Singh, who stated that he as well as Rajwinder Singh had been engaged by Gurpreet Singh to eliminate the Baba as Gurpreet Singh suspected that Baba Pritam Singh was having illegitimate relations with his sister and with other women. The learned counsel for the petitioner has further submitted that apart from the said disclosure statement made by co-accused, the prosecution also relies upon extra-judicial confession made by co-accused Onkar Singh before Rajdeep Singh and Meeran Sharma to the effect that Onkar Singh had confessed before them that he alongwith Rajwinder Singh and Gurpreet Singh had murdered Baba Pritam Singh. The learned counsel has further submitted that the petitioner in any case has been behind bars since the last about 2 years and 6 months and that in these circumstances, the petitioner deserves the concession of bail.
4. Opposing the petition, the learned State counsel has submitted that in view of the disclosure statement made by Onkar Singh and also extra-judicial confession by co-accused Onkar Singh before Rajdeep Singh and Meeran Sharma and also the fact that the petitioner is involved in another case under NDPS Act, no case for grant of regular bail is made out. It has, however, been informed that the petitioner has been behind bars since the last 2 years and 6 months and that till date only 6 out of the cited 27 PWs have been examined, while another 6 have been given up.

5. I have considered rival submissions addressed before this Court.
6. The present case is a case based on circumstantial evidence wherein the petitioner has been nominated as an accused on the basis of alleged disclosure statement made by co-accused to the effect that it is the petitioner who had engaged Onkar Singh and Rajwinder Singh to eliminate Baba Pritam Singh. The said evidence and also the alleged disclosure statements is weak type of evidence and it will be a matter of evidence as to how much credence has been attached to the same. In any case, keeping in view the fact that the petitioner has been behind bars since the last 2 years and 6 months and the trial in its normal course is not likely to be immediately concluded, given the fact that only 6 PWs out of the cited 27 PWs have been examined, in my opinion, no useful purpose would be served by further detaining the petitioner behind bars.
7. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
8. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

10.06.2020

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No