

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

201-2

**CRM-M No.1882 of 2020
Date of decision:03.07.2020**

Iqbal Singh @ Gaggi and another

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rajvir Singh , Advocate for the petitioners.

Mr.Randhir Thind, DAG, Punjab.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Petitioners have filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.46, dated 14.05.2018 registered under Sections 302, 341, 506, 148, 149, 120-B of IPC at Police Station City Rampura, Bathinda (Annexure P-1).

Counsel for the petitioners has urged that the petitioners have not been named in the FIR. Even during the course of prosecution evidence, the complainant (PW-1) did not support the prosecution and rather stated that the accused persons who were present in court were not the ones who had murdered her husband. Counsel has further made a reference to the testimony of the Doctors, who appeared as PW-2 to PW-5, to submit that the injuries caused to the deceased were on non vital organs and were in themselves not sufficient to cause the death of Buta Singh. He argues that the medical evidence shows that the death of Buta

Singh had taken place due to cardiac arrest. The petitioners are stated to be in incarceration since 02.06.2018.

State counsel has opposed the bail petition. Upon instructions of ASI Ramanjeet Singh, State counsel submits that the challan was filed on 13.08.2018 and the charges against the accused were framed on 18.03.2019. Seven out of 25 prosecution witnesses have been examined and the next date before the trial Court is 18.07.2020. The period of the custody of the petitioner has not been disputed.

Heard.

Considering the fact that the accused is in custody for the last more than 2 years and the trial is likely to take sometime to conclude, no useful purpose will be served by keeping the petitioners behind bars any further. Without commenting anything on the merits of the case, the petition is allowed and the petitioners, namely, Iqbal Singh @ Gaggi and Gurpreet Singh @ Vishal Singh are ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate.

It is clarified that the observations made hereinabove shall not be construed to be an expression on the merits of the case.

03.07.2020

pooja saini

**(SUVIR SEHGAL)
JUDGE**

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No