

204 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-18098-2020  
Date of Decision: 31.08.2020

GURPREET SINGH @ GOPI @ JOHNY

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vijay Rana, Advocate for the petitioner.

Mr. Sukhbeer Singh, AAG Punjab.

*(The case has been taken up through video conferencing on  
account of Covid-19 pandemic)*

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VIVEK PURI, J. (ORAL)

The petitioner has prayed for grant of bail in case FIR No.26 dated 14.2.2018, under Section 302, 34 of IPC registered at Police Station Tanda, District Hoshiarpur.

Briefly, the FIR was registered on the basis of the statement made to the police by Ranjit Singh alleging that on 13.2.2018, Teeta along with another friend came to his house and took his son Gurmangatpal Singh with him. At the earlier instance, Gurmangatpal Singh refused to accompany them but the accused forcibly made him to sit in the vehicle. The complainant and his family members tried to telephonically contact Gurmangatpal Singh but he was not picking up the phone. At about 10 P.M., Balwinder Kaur, the daughter-in-law of the complainant received a telephonic call from Teeta who informed them that Gurmangatpal Singh was unconscious and had been taken to Civil Hospital, Tanda. Mangat Singh, a relative of the complainant was asked to reach Civil Hospital, Tanda and he was informed that Gurmangatpal Singh is lying in the

ambulance and has been referred to Civil Hospital, Hoshiarpur. Mangat Singh along with the son of the complainant left for Civil Hospital, Hoshiarpur in the ambulance. Teeta and his friends were following the ambulance but they slipped away on the way. Upon reaching the hospital, Gurmangatpal Singh was declared dead.

It has been pointed out by learned counsel for the petitioner that the name of the petitioner has not been mentioned in the FIR. He has also referred to the cross-examination of Ranjit Singh, PW1 and Mangat Singh, PW2 to putforth a case to the effect that the petitioner was not known to the aforesaid witnesses, no test identification parade was conducted and the presence of the petitioner is not established at the spot. Petitioner has also sought to built up a case during the cross examination of the witnesses that the deceased was having strained relations with his wife and had committed suicide.

On the contrary, it has been pointed out by learned State counsel that the name of the petitioner had emerged in the supplementary statement of the complainant. Furthermore, both the witnesses namely Ranjit Singh and Mangat Singh have specifically and categorically named the petitioner. It is also emerging in the statement of Ranjit Singh, PW1 that the petitioner along with Teeta had taken the deceased in a car. Even Mangat Singh, PW 2 has stated that the petitioner along with Teeta had informed that Gurmangatpal Singh has fallen unconscious.

In the instant case, though the name of the petitioner has not been mentioned in the FIR but his name has emerged in the supplementary statement of the complainant. It will be too early to make any comment upon evidentiary value of the statements of the witnesses recorded during

the course of trial. It may not be appropriate, more particularly at this stage while adjudicating the claim of petitioner for bail to pick up a line or two emerging in the cross-examination of the witness and base the conclusion thereupon. The evidence adduced during the course of trial has to be evaluated in entirety. The infirmity, if any, made out in the cross-examination is to be looked into by the trial Court at the appropriate stage. Suffice it to say that the petitioner has been specifically and categorically named by both the witnesses during the course of their examination-in-chief and they have also identified him. It will be too early to accept the defence version of the petitioner that the deceased had committed suicide by consuming some poisonous substance on account of matrimonial discord with his wife. The gravity of allegations, nature of evidence and severity of sentence in the event of conviction are the significant factors to be looked into while extending concession of bail. In the instant case, the deceased was taken from his house by the petitioner along with co-accused and even the petitioner was accompanying him while he was brought to hospital on account of consumption/administration of poisonous substance.

In these set of circumstances, without making any observation on the merits of the case, no justified ground is made out to extend the concession of bail to the petitioner.

Dismissed.

(VIVEK PURI)  
JUDGE

31.08.2020

Janki

*Whether speaking/reasoned : Yes/No*  
*Whether reportable : Yes/No*