

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19674-2020

DATE OF DECISION: AUGUST 7, 2020

KULDEEP SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. VIKRAM PREET ARORA, ADVOCATE
FOR THE PETITIONER.

MR. P.S. WALIA, AAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner Kuldeep Singh has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.44 dated 26.2.2019, under Section 302, 34, 120-B IPC, P.S. Gobindgarh, District Fathegarh Sahib. The petitioner is in custody since his arrest on 7.3.2019.

The FIR was registered on the statement of Shamshad Khan wherein it was alleged they were two brothers and about 5-6 years back, his brother Suraaj Ali was married to one Sultana, but later on divorce took place between them and she went back to her parental home. His brother was working at a Mill at Gobindgarh and used to stay there and rarely visited him due to paucity of time. It was further alleged that his brother had gone to Mandi Gobindgarh for 7 days and did not return back. In the morning of 25.2.2019, he came to know that due to injuries, his brother was got admitted in Civil Hospital, Mandi Gobindgarh. The complainant alongwith his father went there and came to know that in the midnight of

24/25.2.2019, some unidentified persons caused grievous injuries on the head of his brother with an intention to kill him, near Raghav Steel Industries. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner contends that the case of the prosecution is founded upon circumstantial evidence as the complainant in his initial statement stated before the Police that his younger brother Suraaj Ali was given beatings by some unknown persons. According to him, initially the FIR was registered for the offence punishable under Section 307 IPC and later on after the death of the injured, the offence punishable under Section 302 IPC was added. He submits that the petitioner was indicted as an accused on the strength of the supplementary statement given by the complainant on 28.2.2019, however, the said witnesses while testifying before the trial Court as PW1 turned hostile. According to him, the further custody of the petitioner may not be necessary, therefore, he prays for grant of regular bail to the petitioner during the pendency of the trial.

On the other hand, the prayer is opposed by learned State counsel assisted by SI Dharampal on the ground that the offence is serious. However, it is not disputed that the complainant has not supported the prosecution case. Learned State counsel has further pointed out that some blood and hair were found in the hands of the victim and the sample blood of the petitioner was also sent to FSL in April, 2019 for matching but the report of the FSL is still awaited.

Considering the above background, the custody of the petitioner and the fact that the complainant has already been examined before the Trial Court, this Court does not find any reason to decline the prayer of the

petitioner, particularly when the trial of the case is likely to consume considerable time in the wake of outbreak of global pandemic, namely, COVID-19 in the region as certain restrictions have been imposed by State Government and District Administration in order to curb its spread, therefore, further custody of the petitioner may not be justified. The petitioner is presently confined in judicial custody and is not required for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

August 7, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No