

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-34355 of 2020

Date of Decision: 15.12.2020

Ajit Singh

...Petitioner (s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. G.S. Simble, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab.

Mr. Sidhant Mehra, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in FIR No.240 dated 24.06.2020 under Sections 302, 120-B IPC registered at Police Station Civil Lines, Batala, Police District Batala, District Gurdaspur.

Learned counsel for the petitioner has referred to the FIR and argued that there is no direct allegation against the petitioner and the

allegation of murder of Gurmeet Singh is on co-accused Gurdeep Singh @ Kala, who happens to be son of the petitioner. Rather, the petitioner has been named as an accused for the reason that he is father of accused Gurdeep Singh @ Kala. The petitioner was arrested in the case on 30.06.2020 as per the arrest memo of the police and since then, he is in judicial custody. The only allegation against the petitioner is that he has instigated the co-accused Gurdeep Singh @ Kala for committing the murder of Gurmeet Singh, husband of the complainant. Even after being injured, the deceased had never disclosed the name of the petitioner to the complainant or the treating doctor. Challan has been presented in the case, however, trial in the case will take long time to conclude.

Learned State counsel does not dispute the custody of the petitioner. However, he has submitted that the petitioner in association with his son, co-accused Gurdeep Singh @ Kala, has conspired to kill the deceased Gurmeet Singh and therefore, he does not deserves to be admitted on bail.

I have heard learned counsel for the parties.

The petitioner is in custody since 30.06.2020. As per the FIR, the injuries which led to the death of the deceased are attributed to co-accused Gurdeep Singh @ Kala. The FIR further suggests that when the deceased was being taken to Civil Hospital, Batala, noticing the presence of the complainant, the deceased had disclosed that co-accused Gurdeep Singh @ Kala had given the *Kirch* blows to him while sitting pillion on the motorcycle and after throwing him in the colony, had fled away from there. In this manner, the question as to whether the petitioner really conspired in

the case is the moot question to be established only during trial. Moreover, in the disclosure statement made by Gurdeep Singh @ Kala, there is no such statement by him as regards the conspiracy so hatched by the petitioner. Considering the fact that the culpability of the petitioner would be established only during trial and trial in the case is not likely to be concluded in near future due to Covid-19 pandemic, this Court deems it appropriate to release the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

December 15, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No