

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-41906 of 2019

Date of Decision: 22.09.2020

Gurpiar Singh & another

...Petitioner (s)

Versus

State of Punjab

...Respondent(s)

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

Present:- Mr. G.S. Sandhu, Advocate
for the petitioners.

Mr. Amar Ashok Pathak, Addl.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

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

The petitioners have filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in FIR No.132 dated 20.09.2018 under Sections 302/201/120-B/34 IPC registered at Police Station Dialpura, District Bathinda.

Learned counsel for the petitioners has argued that there is no allegation against the petitioners as regards murder of deceased Harjinder Singh. At the most, the allegation against the petitioners is under Section 201 CrPC, as the role attributed to the petitioners is of disposal of deadbody. The petitioners are in custody since 06.10.2018 i.e. about 2 years and as against the total 25 witnesses cited by the prosecution, only 6

prosecution witnesses have been examined so far. The complainant has already been examined in the case and there is no occasion for the petitioners to influence him. Thus, the petitioner be released on bail.

Learned State counsel does not dispute the custody of the petitioners and he is fair enough to submit that the role attributed to the petitioners is of disposal of deadbody of deceased Harjinder Singh.

I have heard learned counsel for the parties.

Considering the fact that the role attributed to the petitioners is of disposal of the deadbody and the petitioners are in custody since 06.10.2018 i.e. for a period of around 2 years and the trial in the case is not likely to be concluded in near future, as only 6 witnesses have been examined so far against the total 25 witnesses cited by the prosecution, this Court deems it appropriate to release the petitioner on regular bail.

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

September 22, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No