

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47662-2019

Date of Decision: 07.01.2020

Gurpreet Singh @ Bomb

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Dilpreet Singh Gandhi, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

...

Manoj Bajaj, J.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.187 dated 23.10.2018, under Sections 302, 201 and 34 IPC and Section 25 Arms Act, 1959, registered at Police Station Division-B, Police Commissionerate, Amritsar. He is in custody since his arrest on 25.10.2018.

The FIR was registered on the statement given by complainant Balwinder Singh, wherein it was alleged that he retired as Manager from the Co-operative Bank, Amritsar and his elder son Amandeep Singh @ Dedh was doing labour work in Saharanpur (U.P.) and used to reside there, who had come to Amritsar three days back. According to the complainant about 6-7 months ago, his son Amandeep Singh @ Dhed had a fight with Navdeep Singh @ Ballu Chor and Harpal Singh and in that regard, Navdeep Singh @ Ballu Chor had got registered an FIR against Amandeep Singh @ Dhed and others at Police Station Maqboolpura. It was alleged that they used to say that they would kill his son Amandeep Singh @ Dedh. On 23.10.2018 at

7:00 A.M. when the complainant tried to contact his son Amandeep Singh @ Dedh on phone, it was found switched off and at around 8.00 am, he came to know that dead body of his son Amandeep Singh @ Dedh was lying in a vacant plot wrapped in a blanket at New Shaheed Udham Singh Nagar. The complainant expressed suspicion that Navdeep Singh @ Ballu Chor and Harpal Singh intoxicated his son to death and threw his dead body in the vacant plot.

Learned counsel for the petitioner contends that the name of the petitioner (Gurpreet Singh @ Bomb) is not mentioned in the FIR and the allegations have been levelled against Navdeep Singh @ Ballu Chor and Harpal Singh. He submits that even motive is assigned to Navdeep Singh @ Ballu Chor, as there was previous altercation between him and Amandeep Singh @ Dedh (deceased), whereupon a case was got registered by Navdeep Singh @ Ballu Chor against Amandeep Singh @ Dhed and others. It is contended that the death of the victim took place because of over dose of the drugs and the petitioner has been indicted on the basis of the alleged extra judicial confession suffered by him before Narinder Singh @ Nandu. He submits that only 2 witnesses, including the complainant, have been examined out of total 23 witnesses and the trial is likely to consume considerable time and therefore, further custody of the petitioner may not be justified. He further submits that co-accused Navdeep Singh @ Ballu Chor has been released on regular bail vide order dated 27.09.2019 (Annexure P-3).

The prayer is opposed by learned State counsel, who is assisted by ASI Raj Kumar. It is submitted by her that the petitioner suffered an extra judicial confession before Narinder Singh @ Nandu and confessed

about his involvement in the crime. However, it is not disputed that other co-accused has been granted the concession of regular bail.

At this stage, learned counsel for the petitioner submits that apart from this extra judicial confession, the confession of the petitioner was recorded by the police as well, wherein the petitioner has confessed his crime. He submits that the prosecution evidence is weak in nature.

After hearing learned counsel for the parties, this Court finds that the case of the prosecution against the petitioner hinges upon the extra judicial confession alone and the name of the petitioner is not mentioned in the FIR by the complainant. It may be noticed here that only 2 witnesses, including the complainant, have been examined out of total 23 witnesses and keeping in view the fact that the trial is likely to consume considerable time, this Court is of the opinion that further detention of the petitioner may not be justified. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

07.01.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No