

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-9053-2021 (O&M)

Date of Decision: 26.03.2021

Gurtej Ram

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Digvijay Nagpal, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Karam Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.0178 dated 15.10.2020 at Police Station Ghagga, District Patiala, under Section 307 IPC.
2. The FIR was lodged at the instance of Goldy Ram, wherein it is alleged that the boys of his village used to play cricket match together in the stadium. On 27.09.2020, as usual he along with Karandeep Singh, Gurtej Ram, Somnath Ram, Ajaib Ram, Harmandeep Singh, Kuldeep Ram and Ramesh Kumar were playing cricket and after playing match, he along with Karandeep Singh, Gurtej Ram, Somnath Ram, Ajaib Ram went to take bath at Bhakra road, Bhakra Canal Bridge Droli. Ajaib Ram and Somnath

were bathing in the Bhakra canal by jumping from the bridge; Karandeep Singh was bathing in the Bhakra canal by holding the iron rod and Gurtej Ram was standing on the track of Bhakra canal and was getting undressed. When the complainant asked Karandeep Singh to come with him, then Karandeep Singh replied that he will come later along with Ajaib Ram and others. Thereafter, the complainant returned back home. At about 4.30 PM, when he asked Karandeep Singh's mother about Karandeep Singh, she replied that he had not returned back so far. The mobile phone of Karandeep Singh was also found to be switched off. The complainant thereafter left to search for Karandeep Singh and went to Gurtej Ram's house, who stated that he did not know about Karandeep Singh. When the complainant was about to start from there to look for Karandeep Singh on motor-cycle, Gurtej Ram said that he will also accompany him and sat on his bike. Later when they were near Bhakra canal, Gurtej Ram told him that he would drive the bike as the complainant would be in a state of panic and started driving the bike. Later Gurtej Ram sat on the motor-cycle with both his legs on one side and said that he could even drive the bike like this and raced the bike with an intention to kill him and just when the motor-cycle was near Bhakra canal, he jumped off the motor-cycle while the complainant was sitting on the pillion seat. The complainant, however, managed to save himself by holding metal stairs made on the Bhakra canal while the motor-cycle got stuck in the canal. Gurtej Ram punched the complainant with an intention to loosening the grip of the

complainant so as to drown him in the Bhakra canal. When the complainant raised alarm, Gurtej Ram ran away from the spot. It is further stated therein that Karandeep Singh was later found dead when his body was found drowned in canal. The complainant alleged that since he had seen Karandeep Singh and Gurtej Ram bathing, therefore, Gurtej Ram wanted to kill the complainant by pushing him in Bhakra canal.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case on the basis of a concocted FIR, which came to be lodged after about 18 days of the alleged occurrence. Learned counsel has further submitted that there is no evidence worth credence to establish the allegations levelled in the FIR and that in fact even the motive imputed to the accused/petitioner cannot be said to be made out, as no FIR was ever registered in respect of death of Karandeep Singh, which could have furnished any motive to the petitioner to eliminate the complainant, who could have been a eye-witness of having seen the deceased and petitioner together.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR, wherein specific allegations of an attempt to throw the complainant in Bkhara canal have been levelled, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner has been behind bars since the last more than 5 months and that he is not involved in any other case.
5. I have considered rival submissions addressed before this Court.

6. It is no doubt correct that specific allegations have been levelled against the petitioner in the FIR. However, since in the instant case, it cannot be said that Karandeep Singh had been murdered, as no FIR has been lodged in respect of his death, therefore, it cannot be said that the complainant had witnessed any offence so as to furnish any motive to eliminate him. In any case, since the petitioner has been behind bars since the last more than 5 months and is not stated to be involved in any other case, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

26.03.2021

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(GURVINDER SINGH GILL)
JUDGE

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

Whether reportable: **Yes/No**