

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

CRM-M-15273 of 2019 (O&M)

Decided on:- January 28, 2021.

Gurdev Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

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

Present:- Mr. Ranjodh Singh Sidhu, Advocate
for the petitioner.

Mr. Avtar Singh Sandhu, 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.

CRM-29217-2020

The copy of supplementary Challan under Section 173 Cr.PC (Annexure P-5) is taken on record, subject to all just exceptions.

CRM stands disposed of.

CRM-M-15273-2019

This is the second petition filed by petitioner Gurdev Singh son of Jaswant Singh under Section 439 Cr.P.C. seeking regular bail in FIR No.3 dated 14.01.2011 under Sections 302, 148 and 149 IPC registered at Police Station Khem Karan, District Tarn Taran.

The earlier petition i.e. *CRM-M-75511 of 2018* titled as *Gurdev Singh Versus State of Punjab* was filed by the petitioner seeking interim bail in the aforesaid F.I.R. The said petition was disposed of vide order dated 20.12.2018 passed by this Court and the petitioner was admitted on interim bail for one day i.e. 22.12.2018 to the satisfaction of the Jail Superintendent, where the petitioner is confined.

The aforesaid FIR was registered on the statement of complainant Pritam Singh. As per the complainant, he (complainant) was married with Sarabjit Kaur about 20 years back. His sister-in-law (sister of his wife) Manjit Kaur was married with Bogga Singh. His brother-in-law Harjit Singh was married about two months back. Harjit Singh, his father-in-law Jaswant Singh and mother-in-law Joginder Kaur used to put pressure upon Dial Singh (father-in-law of the complainant) to sell the land and to disburse the amount of the same to them. Joginder Kaur and Dial Singh had refused to do so upon which accused Harjit Singh, Gurdev Singh (present petitioner), Gurpreet Singh and Sukhdev Singh put pressure upon Joginder Kaur and Dial Singh.

On 13.01.2011, the complainant had gone to meet his relatives. At about 07.00 P.M., accused Harjit Singh and his wife Harpal Kaur again put pressure upon Joginder Kaur to distribute the money among them after selling the land. However, Joginder Kaur refused to do so. At about 11.00 P.M., accused Jaswant Singh raised a Lalkara saying that Joginder Kaur should be taught a lesson for not distributing the money and not selling the land. Accused Harjit Singh and Gurpreet Singh gave Datar blows to Joginder Kaur upon which she expired. Gurdev Singh (present petitioner) and Sukhdev

Singh gave Datar blows to Deepo mother of Joginder Kaur upon which she also expired. Accused Jaswant Singh and Harpal Kaur were continuing to raise the Lalkara.

Learned counsel for the petitioner has referred to the enquiry report dated 24.03.2011 (Annexure P-2) submitted by the Deputy Superintendent of Police, Bhikhiwind to contend that during investigation, the petitioner and other co-accused, namely, Sukhdev Singh, Gurpreet Singh and Harpal Kaur were declared innocent, as they were not found to be present at village Bhura Karimpura on 13.01.2011 at the time of occurrence. Accordingly, their names were mentioned in Column No.2 of the Challan.

He has further submitted that though the petitioner was declared as a proclaimed offender vide order dated 23.01.2013 passed by the trial Court, but later on, he was arrested on 10.03.2018 along with other co-accused. Now, the petitioner is in custody for about 2 years 10 months and 14 days. As against 22 witnesses cited by the prosecution, only 7 witnesses have been examined so far and the case is now fixed before the trial Court on 09.02.2021 for recording prosecution evidence. During the trial, the complainant has died and in this manner, the conclusion of trial will take sufficient long time.

Learned State counsel does not dispute the custody of the petitioner and the enquiry report (Annexure P-2). However, he submits that in the present case, there are two deaths. In the post-mortem report of deceased Deepo, it has been opined by the doctor that the cause of death in this case is due to injury to the vital organ (brain) leading to haemorrhage and shock which is sufficient to cause death in ordinary course of nature. The petitioner

was arrested in this case on 10.03.2018 and he made a confessional statement that on 13.01.2011 at midnight, he in connivance with his brother Gurpreet Singh, Sukhdev Singh and his father Jaswant Singh and brother-in-law Harjit Singh son of Dial Singh, residents of village Bhura Karimpura and his sister Harpal Kaur wife of Harjit Singh have murdered Joginder Kaur and Deepo. The weapon used in the occurrence has been kept in his room. In view of the confessional statement made by the petitioner, the weapon of offence i.e. Dattar (iron) was recovered from the room of the petitioner and was taken in possession.

I have heard learned counsel for the parties.

As per the enquiry report (Annexure P-2), the petitioner was found innocent during the course of investigation. The petitioner is in custody since 10.03.2018. As against 22 witnesses cited by the prosecution, only 7 have been examined in the case so far and the case is now fixed before the trial Court on 09.02.2021 for prosecution evidence.

Considering the custody of the petitioner i.e. 2 years 10 months and 14 days and noticing the fact that the conclusion of trial will take a long time as the COVID-19 pandemic has further adversely affected the trial, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court.

It is made clear that during the pendency of trial, the petitioner shall not influence the prosecution witnesses and shall not tamper with the evidence in any manner.

The observations made hereinabove shall not be construed as any expression of opinion on the merits of the case. The trial Court shall decide the case without being influenced with these observations in any manner.

January 28, 2021
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No