

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

**CRM-M No.24895 of 2021
Date of Decision:-15.11.2021**

Gurmukh Singh

.....Petitioner.

Versus

State of Punjab

.....Respondent.

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Present:- Mr. Sarabjeet Singh Grewal, Advocate
for the petitioner.

Mr. Sukhbeer Singh, A.A.G, Punjab.

MEENAKSHI I. MEHTA, J.

The petitioner herein seeks the relief of regular bail in the criminal case arising out of the FIR bearing No.149 dated 16.08.2020 registered at Police Station City-2 Mansa, District Mansa, under Sections 302 and 323 read with Section 34 IPC.

Bereft of unnecessary details, the allegations, as levelled by complainant Gurmail Kaur in the subject FIR, are that on 09.08.2020, her son named Prince Singh was given beatings by Jaili Singh and Gurmukh Singh, i.e the petitioner, resulting into several injuries on his person and he remained admitted in Civil Hospital, Mansa, during the period from 10.08.2020 to 12.08.2020 and then, he was referred to Rajindra Hospital, Patiala, and he died there during his treatment.

I have heard learned counsel for the petitioner as well as learned State counsel in the instant petition and have also perused the file thoroughly.

Learned counsel for the petitioner contends that initially, the said victim had been admitted in the hospital with the history of having suffered the injuries in a road-side accident but later-on, the petitioner has been got falsely implicated in this case as one of the assailants who allegedly caused injuries to him (victim) and even otherwise, there is no eye-witness to the alleged occurrence and moreover, the petitioner is behind the bars since 16.08.2020 and in these circumstances, he deserves the relief as prayed for in this petition.

Per contra, learned State counsel argues that the deceased had been thrown on the road-side after being brutally beaten and he was brought to the hospital by calling the Ambulance but later-on, he himself made a statement before the police disclosing therein that the petitioner and his above-said co-accused as well as 6-7 unknown persons had inflicted injuries on his person and keeping in view the gravity of the offence as committed by the petitioner, this petition be dismissed.

Though the afore-named victim is stated to have initially been admitted in the hospital as the victim of some road-side accident but however, it is pertinent to mention here that Annexure P-4 is the copy of the depositions made by Budh Singh ASI while appearing in the witness-box as PW2 before the trial Court wherein he has categorically stated that he had recorded the statement of the said victim who had disclosed therein

that the petitioner and his afore-named co-accused and 6-7 unidentified persons had caused injuries to him.

The contention qua there being no eye-witness to the alleged occurrence, cannot be considered and adjudicated upon at this stage and rather, the same can and shall be looked into and decided by the trial Court at the appropriate stage after appreciating and evaluating the entire evidence that would be led on the record during the course of the trial.

Further, mere factum of the petitioner having been in custody since the above-said date, in itself, does not suffice at all for being taken to be a plausible and cogent ground for extending the relief of regular bail to him in the circumstances when he is alleged to have committed as grave an offence like murder.

Keeping in view the fore-going discussion, this Court is of the considered opinion that the present petition deserves dismissal. Resultantly, the same stands dismissed accordingly.

However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of the case.

November 15, 2021
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*