

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

214

**CRM-M-25328 of 2021
Date of Decision: 08.07.2021**

Gurpreet Singh @ Gopi

..... Petitioner

Versus

State of Punjab

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Amardeep Singh Gill, Advocate,
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

By this petition, the petitioner seeks the concession of 'regular bail' under the provisions of Section 439 of the Cr.P.C., upon FIR no.19, dated 02.02.2019, having been registered at Police Station Bhogpur, District Jalandhar, alleging therein the commission of offences punishable under Sections 452 and 325 of the IPC, read with Section 34 thereof (with Sections 148, 149 and 302 of the IPC added later).

Learned counsel for the petitioner submits that the petitioner has been in custody for almost 2 years and 5 months, with not even a single prosecution witness examined and that as a matter of fact no injury at all has been attributed to

the petitioner even as per a bare reading of the FIR.

Learned State counsel on the other hand submits that the petitioner having been named in the FIR itself as a person who accompanied his uncle who was attributed the fatal blow to the deceased, and he having exhorted his uncle to actually inflict the blow, with the petitioner also being armed with *Sota*, and that he being the part of an unlawful assembly, he does not deserve to be admitted to bail.

Learned counsel for the petitioner submits that a perusal of the FIR shows that the only blow shown to have been given at that time is by the co-accused of the petitioner, i.e. Meshi, with a *Lalkara* attributed to the petitioner, though subsequently the complainant (wife of the deceased), made a supplementary statement four days later that there were other people also alongwith the petitioner and Meshi.

He points to the MLR (Annexure P-2) to fortify the contention that there was only single injury shown to have been received by the deceased which would actually corroborate her original statement, that there were only two persons present, and therefore there was no unlawful assembly in any case. He submits that even as per the supplementary statement only a very 'generalized' statement has been made that Meshi and the petitioner raised a *Lalkara* and inflicted injuries on her husband.

Keeping in view the fact that the petitioner has been in custody for almost 2½ years now, with no injury actually shown to have been inflicted by him, (so far at least), without making any comment on the actual merits of the case at all, the petition is allowed and the petitioner is ordered to be released on bail upon his furnishing adequate bail and surety bonds to the satisfaction of the trial court.

It is made clear that all observations made hereinabove are only in the context of this petition filed under the provisions of Section 439 of the Cr.P.C. and the trial would proceed wholly on the basis of evidence led before it, regardless of any observation made hereinabove.

July 08, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No