

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-29782-2021 (O&M)

Date of Decision:- 8.10.2021

Yudhvir Singh @ Yodha

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sukhdeep Singh Bhinder, Advocate, for the petitioner.

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

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. 93 dated 03.12.2019 at Police Station Balianwali, District Bathinda, under Sections 302/34 IPC and Section 25/27/54/59 of the Arms Act.
2. The FIR in question was lodged at the instance of Gurjant Singh, wherein he has alleged that on 03.12.2019, his son Ranjit Singh had left home in the morning, but did not return back. While the complainant along with his cousin, namely, Dheera Singh went looking for his son and were present near bridge of the drain on Dhadhe road, they heard a gun-shot and upon which they started

moving towards the spot from where they had heard the sound. In the meantime, they heard another sound of gun-shot and they saw that 3/4 boys had fled from the spot on a motor-cycle. When they moved forward, they saw that Ranjit Singh was lying on the ground and was writhing in pain and succumbed to injuries in front of their eyes.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and in fact even when the statement of Dheera Singh, who was accompanying the complainant was recorded on 03.12.2019, he did not name anybody, but subsequently an improvement has been made by him in his statement recorded two days thereafter i.e. on 05.12.2019, wherein he stated that on 03.12.2019 about 10/15 minutes prior to the death of Ranjit Singh, he had seen three persons riding an un-numbered motor-cycle, who were Ramandeep Singh, Yudhveer Singh and Jatinder @ Bunty, whom he knew earlier and that he strongly believed that his nephew Ranjit Singh had been killed by them. It has further been submitted that apart from the aforesaid statement, which is apparently an improvement, there is no credible evidence in respect of blind murder of Ranjit Singh and as such, the petitioner deserves the concession of bail.
4. Opposing the petition, learned State counsel has submitted that since the petitioner came to be named shortly after lodging of the FIR, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about than 1 year and 10 months and that till date not

even a single PW out of the cited 27 PWs has been examined. Learned State counsel has further informed that the petitioner happens to be involved in two more cases.

5. I have considered rival submissions addressed before this Court.
6. Given the fact that the petitioner is not named in the FIR and that Dheera Singh, who was present with the complainant when the FIR was lodged, has subsequently made an improvement two days after lodging of FIR and while also noticing that the petitioner has been behind bars for a substantial period of about 1 year and 10 months and trial is yet to commence, 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.
7. It is, however, made clear that none of the observations made above shall be taken to be an expression on merits of the main case.

8.10.2021

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No