

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

CRM-M-31800-2021 (O&M)
Date of Decision:- 13.8.2021

Kulwinder Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Amandeep Singh Rai, Advocate for the petitioner.

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

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.14 dated 29.1.2017 under Sections 302/34 IPC at Police Station Sadar Raikot, Ludhiana Rural.
2. The allegation in nutshell as per the FIR lodged at the instance of Hari Pal are that Kulwinder Singh (petitioner) son of Kulwant Singh and Kulwinder Singh son of Jagjit Singh had killed the complainant's son by giving blows with 'kirch'.
3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case on account of there being some differences amongst neighbours. Learned counsel has submitted that, in any case, the petitioner as on date has been behind bars since the last around 4

years and 6 months and since the material eye-witnesses already stand examined, the petitioner deserves the concession of bail.

4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and is specifically alleged to have given blows with '*kirch*' to the deceased, no case for grant of bail is made out. Learned State counsel has, however, informed that the material witnesses already stand examined and that another eye-witness namely Gurmail Singh has been given up. Learned State counsel has not disputed that the petitioner has been behind bars for a substantial period of around 4 years and 6 months. It has also been informed that the petitioner is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the long custody period of the petitioner and the fact that the conclusion of trial is likely to consume some more time and while noticing that the petitioner is not involved in any other case and that there is no apprehension of intimidating any witness as the material eye-witnesses have already been examined, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bailbonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

13.8.2021

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No