

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

CRM-M-33332-2020 (O&M)
Date of Decision:- 31.8.2021

Hardeep Gir @ Gaggi

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. L.S.Sekhon, Advocate, for the petitioner.

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

(Proceedings conducted through video conferencing)

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. 40, dated 20.4.2020, Police Station Balianwali, District Bathinda, under Sections 302, 34 IPC.
2. The FIR was lodged at the instance of Raja Singh wherein it is alleged that his younger sister Kulwinder Kaur was married to Buta Gir in Village Mandi Kalan about 20 years back. Her husband Buta Gir was mentally upset on account of receipt of an injury. It is alleged that on 17.4.2020, he received a call from his nephew (*bhanja*) Hardeep that his mother i.e. Kulwinder Kaur had caught fire

while working on a *Chulah* and that she was being taken to hospital. It is alleged that complainant's sister Kulwinder Kaur died on account of the burn injuries sustained by her. Complainant has asserted that although initially he did not suspect any foul play but later he has come to know that his sister had been set on fire by his nephew Hardeep Gir and his uncle Ajaib Gir.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case and in fact during the course of investigation Ajaib Gir has already been found to be innocent. It has also been submitted that when the complainant Raja Singh as well as Kamalpreet Kaur daughter of deceased were examined during the proceedings of trial, none of them has supported the case of prosecution and in these circumstances the petitioner deserves the concession of bail.
4. Opposing the petition, learned State counsel has submitted that since specific allegation has been levelled against the petitioner, 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 1 year and 4 months and that the petitioner is not wanted in any other case.
5. I have considered rival submissions addressed before this Court.
6. Although, in the FIR specific allegation has been levelled against the petitioner but when the complainant stepped into the witness box, he has not supported the case of prosecution at all as would be evident from his statement annexed with this petition as Annexure P-5.

Similarly, even the daughter of the deceased i.e. PW-3 Kamalpreet Kaur has not stated a word against the petitioner. In any case, the petitioner has been behind bars for a substantial period of 1 year and 4 months. In these circumstances, 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 bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

31.8.2021

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No