

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(209)

CRM No. M- 38671-2020

Date of Decision : 29.11.2021

Gurpreet Singh alias Gopi

....Petitioner

Versus

State of Punjab

.....Respondent

(Through Video Conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Ashish Aggarwal, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.
(keeping in view advance copy given)

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 169 dated 09.10.2017, registered under Sections 302, 363 IPC (Section 363 IPC was deleted and Sections 379-B, 323, 325 IPC added later on) at Police Station Sadar Patti, District Tarn Taran.

Learned counsel for the petitioner argues that the facts which have come on record in the present case itself show that the petitioner has wrongly been roped in the present case case so as to hide the truth resulting into the death of Jatender Singh. Learned counsel for the petitioner further argues that as per the allegations alleged in the FIR, which have been recorded on the basis of the complaint of the uncle of deceased, namely, Gurbaksh Singh, deceased Jatender Singh and one Saraj Singh, both had left house of the complainant on 08.10.2017, after which Jatender Singh could

not be traced and thereafter, the father of Saraj Singh had come to the house of Gurbaksh Singh with the information that both Saraj Singh as well as Jatender Singh have met with an accident and are required to be taken to the hospital. Learned counsel for the petitioner submits that as per the FIR, only Jatender Singh was found at the spot lying dead, whereas Saraj Singh was admitted in hospital. On the basis of the complaint filed by the uncle of deceased, namely, Gurbaksh Singh, allegations were made against Saraj Singh of committing the crime.

Learned counsel for the petitioner submits that thereafter, Saraj Singh initially gave a statement that he alongwith Jatender Singh were going on a motor-cycle and both of them were intoxicated, when a particular gentleman appeared on the road and gave a *dang* blow to Jitender Singh, due to which, both of them fell down and suffered injuries and ultimately, Jitender Singh died. Initially, no one was named. Thereafter, in a supplementary statement, the petitioner was named by said Saraj Singh stating that he had recollected the incident as the petitioner was known to the said Saraj Singh as he resides in an adjoining village. Learned counsel for the petitioner further submits that surprisingly, Gurbaksh Singh has neither been made a witness, who was initially the complainant, wherein Saraj Singh was an accused, which itself shows that the investigation has been done to save Saraj Singh as the brother-in-law of said Saraj Singh was posted in the Police Station, where the FIR was registered.

Learned counsel for the petitioner submits that the petitioner is behind bars for the last more than 04 years and 01 month and only 03 out of 23 witnesses have been examined and, therefore, as the trial is likely to take

of the present case coupled with the fact that petitioner has already undergone incarceration for more than 04 years, he may kindly be granted the benefit of regular bail as he undertakes not to influence the trial or the witnesses in any manner.

Notice of motion.

Mr. Kirat Singh Sidhu, learned Deputy Advocate General, Punjab, who is present in Court, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State and has produced custody certificate of the petitioner, which is taken on record.

Learned State counsel submits that present is the case, where with the motive of committing robbery, petitioner had hit Jatender Singh as well as Saraj Singh and due to the injuries suffered, Jatender Singh died and the mobile phone of Saraj Singh as well as a *lathi* with blood stains was recovered from the accused, which *prima-facie*, shows the involvement of the petitioner. Learned State counsel concedes that the petitioner is behind bars for the last more than 04 years and only 03 out of 23 witnesses have been examined, which include the material witnesses.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the fact that petitioner is behind bars for the last more than 04 years and still, out of 23 witnesses, 20 are yet to be examined and the trial is likely to take some time before the same concludes, petitioner has made out a case for the grant of regular bail. Once, the material witnesses have been examined and the allegations against the petitioner are yet to be proved, no useful purpose will be solved

in keeping the petitioner behind the bars, especially, in view of the facts and

circumstances of this case, which have been noticed hereinbefore and that the petitioner has undertaken before this Court that he will not influence the trial in any manner and will maintain good conduct, if he is granted the concession of bail. In case of default of the undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

The petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

November 29, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No