

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

214

CRM-M-50271-2021

Date of Decision : December 07, 2021

GURVAIL SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. A.P.S.Sandhu, Advocate
for the petitioner.

Mr. Arun Kaundal, Deputy Advocate General, Punjab.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure read with Section 482 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No.96 dated 16.6.2019 under Sections 302, 34 IPC (120-B IPC added later on) registered at Police Station Gharinda, District Amritsar Rural, Amritsar.

It has been argued by the learned counsel for the petitioner that the petitioner is in custody for two years, five months and seventeen days and has got clean antecedents and there is no other case against the petitioner. He further submitted that even otherwise also there is no injury attributable to the petitioner and infact as per the background of the case, the father of the complainant was allegedly having some illicit relations with co-accused, namely, Poonam Kaur @ Punam Kaur and in view of that background he was attacked with base ball, sticks and was killed. He submitted that the complainant i.e. Manjinder Singh, who was

an eye witness in the present case as well as one prosecution witness, namely, Maninder Singh who was also an eye witness in the present case had stated during the course of trial that they had not seen the petitioner attacking the complainant and, therefore, both of them were declared hostile by the learned trial Court. Apart from the same, the aunt of the complainant, namely, Amarjeet Kaur was also declared hostile at the time of trial. He has submitted that so far as the petitioner is concerned, he is facing incarceration for about 2½ years and has been falsely implicated. He further relied upon Annexure P-3 vide which main co-accused, namely, Poonam Kaur @ Punam Kaur and Satnam Singh @ Satta have been extended the benefit of regular bail by this Court on 10.11.2021.

On the other hand, Mr. Kaundal, learned Deputy Advocate General, Punjab has submitted that so far as the custody period of the petitioner is concerned, the same is correct and has filed the custody certificate which is taken on record. He further submitted that it is also correct that the petitioner is not involved in any other case and the other co-accused have been granted bail by this Court vide Annexure P-3 on 10.11.2021.

I have heard the learned counsels for the parties.

The custody period of the petitioner is not in dispute. It is also not disputed that the petitioner is not involved in any other case and the other main co-accused have already been granted bail by this Court vide order dated 10.11.2021. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with any evidence or may flee from justice.

Therefore, considering the totality of facts and circumstances of the present case, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

December 07, 2021

ajay-1

Whether speaking/reasoned.

Whether Reportable.

(JASGURPREET SINGH PURI)

JUDGE

:

:

Yes/No

Yes/No