

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

CRM-M-52968-2021 (O&M)

Date of Decision:- 23.12.2021

Gursewak 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. Harbir Sandhu, AAG, Punjab,
assisted by ASI Manjit Singh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in a case registered vide FIR No.55 dated 23.6.2020 at Police Station Ladhuwal, District Police Comissionerate, Ludhiana under Sections 302, 307, 149, 120-B of Indian Penal Code.
2. The FIR in question was lodged at the instance of Arjunpal, wherein it is alleged that on 22.06.2020, he alongwith Vakil Ahmed (deceased) went for work to the Mill and when they were returning back at about 10:15 PM, then 6/7 unknown persons armed with sticks attacked them and caused injuries on his head on account of which

blood started oozing. It is alleged that the said assailants also gave beatings to Vakil Ahmed and after giving beatings, they fled away from the spot. Vakil Ahmed was found lying unconscious and was in critical condition. Although he was taken to hospital, but he ultimately succumbed to the injuries.

3. Learned counsel for the petitioner has submitted he is not named in the FIR. It has been submitted that subsequently, the prosecution has come out with a case that the petitioner alongwith 3 more persons have made an extra judicial confession before one Kuldeep Singh on 23.8.2020 admitting his guilt and that ever since he has been behind bars. Learned counsel has further submitted that since the co-accused namely Rahul Kumar Yadav, Gursewak Singh, Saranpreet Singh, Rajvir Singh @ Raja and Jasmeet Singh @ Banti have already been granted bail by this Court, the petitioner is also entitled for bail on the ground of parity.
4. Opposing the petition, learned State counsel has submitted that no doubt it is correct that the petitioner is not named in the FIR but since the petitioner had confessed having killed the deceased Vakil Ahmed on the day of occurrence, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner has been behind bars since the last about 1 year and 4 months and that he is not wanted in any other case. Learned State counsel has further informed that although charges have been framed but none out of the cited 27 PWs has been examined so far.
5. I have considered rival submissions addressed before this Court.

6. Admittedly the petitioner is not named in the FIR. The prosecution mainly banks upon the extra judicial confession made by the accused before one Kuldeep Singh. It is well settled that an extra judicial confession is a weak type of evidence unless there is some corroboration to the same by some convincing evidence. Nothing has been shown at this stage by the learned State counsel as regards any other evidence showing complicity of the petitioner. The petitioner, in any case, has been behind bars for a substantial period of 1 year and 4 months and is stated to be having clean record. Conclusion of trial is likely to consume time as not even a single witness out of the cited 27 PWs has been examined so far and the co-accused of the petitioner have already been granted bail. 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 regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

23.12.2021

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No