

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

215

CRM-M-1121-2022 (O&M)

Date of Decision: 23.03.2022

GURMAIL SINGH @ GELI

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Anil Kumar Garg, Advocate
for the petitioner.

Mr. Rehat Bir Singh Mann, DAG Punjab.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for grant of regular bail to the petitioner in case bearing FIR No.127 dated 29.07.2020, registered under Sections 302, 149 IPC, at Police Station Koom Kalan, District Police Commissionerate, Ludhiana.

Status report by way of an affidavit dated 22.03.2022 of the Assistant Commissioner of Police, Industrial Area-A, Ludhiana, filed on behalf of the respondent-State, in Court, is taken on record.

Learned counsel for the petitioner submits that, though as per the postmortem report, there were two injuries on the person of deceased, namely, Dara Singh (brother of the complainant), yet the fact remains that no injury has been attributed to the petitioner; that the petitioner has been in custody since 26.03.2021 and that the similarly situated co-accused, namely, Baljit Singh @ Bulekha, has already been granted the concession of regular bail by this Court on 27.10.2021.

On the other hand, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner as well as the factum of the similar situated co-accused being on bail. He, however, submits that the petitioner had actively participated in the occurrence, which led to the death of the deceased. He further submits that the petitioner gave fist and kick blows to the deceased and that post framing of the charges, prosecution evidence is yet to commence.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 26.03.2021. Prosecution evidence is yet to commence. In such circumstance, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars. Moreover, similarly situated co-accused has already been enlarged on bail.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

23.03.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>