

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

230

CRM-M-4638-2022 (O&M)

Date of Decision: 06.04.2022

GURPARTAP SINGH @ ISHWAR SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Sant Pal Singh Sidhu, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG Punjab.

Mr. Prabhjot Singh Chahal Advocate for
Mr. Naveen Sharma, Advocate for the complainant.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.84 dated 13.07.2019, registered at Police Station Sadar, Sri Muktsar Sahib, under Sections 307, 302, 120-B, 148 and 149 IPC; Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 25 and 27 of the Arms Act, 1959.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that though the allegation against the petitioner is that he was armed with a pistol, yet in CCTV footage, the petitioner was seen only standing there with empty handed; that no injury has been attributed to the petitioner; that the petitioner has been in custody since 31.07.2019; that co-accused, namely Guljar Singh and Jasveer Singh @ Mammu, have already been granted the concession

of regular bail and that the injured witness, while appearing as PW before the trial Court, has not raised any allegation against the petitioner.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel assisted by learned counsel for the complainant does not dispute the custody period of the petitioner. He, however, submits though, there is no allegation against the petitioner, yet the fact remains that the petitioner was the member of unlawful assembly and had actively participated in the committing double murder and also caused injuries on the person of the injured. He further submits that out of 57 prosecution witnesses, only 11 have been examined, so far.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 31.07.2019. There is no allegation or attribution to the petitioner. Co-accused have already been enlarged on bail. Most of the prosecution witnesses are yet to be examined. In such circumstances, 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.

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

06.04.2022

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*