

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-16849-2021

DATE OF DECISION: JANUARY 6, 2022

GUTJEET SINGH @ KALA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. N.S. SIDHU, ADVOCATE FOR THE PETITIONER.
MR. RAMANDEEP SINGH SANDHU SR.DAG. PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.111 dated 15.6.2020, under Section 307/436/34 IPC, Police Station Nathana, District Bathinda, who is in custody since his arrest on 16.6.2020.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Bathinda in the order dated 23.12.2020, are as under:-

“Record shows that FIR of the present case was lodged by Gurdeep Singh son of Mithu Singh, when he interalia, disclosed that he was a labourer and blessed with three children namely Balkar Singh, Jagjit Singh and Arshdeep Singh. The marriage of his sister-in-law Sandeep Kaur was solemnized with Gurjeet Singh son of unknown resident of Gillan Wala Khooh, Talwandi Sabo, about 15 days back,. After some days of the marriage, his sister-in-law Sandeep Kaur had an altercation with his co-brother Gurjeet Singh and as such, she was left at his house by the sisters of Gurjeet Singh. On 15.06.2020, his sister-in-law Sandeep Kaur was with them that at 1.20 am, his mother-in-law Rani Kaur raised an alarm. He suddenly woke up and found that his co-brother Gurjeet Singh

along with one unknown person, was holding bottles having fire flames (having kerosene oil) and threw those bottles in their house with an intention to kill them. One of those bottles fell on the cot of his wife Deep Kaur and the other that of, his sister-in-law Sandeep Kaur. He raised alarm of 'Marta Marta' but due to the kerosene oil in those bottles, flames of fire started rising from the cots of Deep Kaur and Sandeep Kaur. He and his mother-in-law along with three children started saving his wife Deep Kaur and Sandeep Kaur, who were badly burnt. In the meantime his co-brother Gurjeet Singh and unknown person fled away from the spot . Deep Kaur and Sandeep Kaur taken to the Civil Hospital, Bathinda. The motive for causing those injuries that he had an altercation with his co-brother Gurjeet Singh on telephone. He had seen this occurrence in the light of the electric bulb fitted in their court-yard.”

Learned counsel for the petitioner has argued that the alleged occurrence took place in the house of complainant Gurdeep Singh who is married to Deepa, real sister of the the petitioner's wife, namely, Sandeep Kaur and as per prosecution, the petitioner had caused burn injuries to both the sisters. According to him, the burn injuries suffered by victims were not dangerous to life and the prosecution has examined only two witnesses so far after framing of charges on 12.10.2020. He prays that the petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by HC Ranjit Singh has opposed the aforesaid prayer, and has argued that the marriage of the petitioner with his wife Sandeep Kaur was only 15 days old when the alleged occurrence took place and petitioner had thrown two

bottles of kerosene upon the victims to set them ablaze. He submits that the victims had suffered burn injuries on their head, face, arms and thighs. Learned State counsel further states that the complainant, namely, Gurdeep Singh and his wife Deepa have already been examined as prosecution witnesses, however, the petitioner's wife, namely, Sandeep Kaur is yet to be examined and the case is coming up for recording prosecution evidence before the trial Court on 12.1.2022.

After hearing learned counsel for the parties and considering the above background, this Court is of the opinion that two material witnesses have already been examined and there does not seem to be any possibility of winning over the other injured witness Sandeep Kaur, therefore, further detention of the petitioner behind bars is not necessary who is confined in judicial custody since his arrest on 16.6.2020. Apart from the above, the recent surge in pandemic COVID-19 has again forced the State Government to impose certain restrictions to prevent the spread of the disease, and it may also add to delay in conclusion of trial.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

January 6, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No