

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-16248 of 2022
Date of Decision: 29.09.2022

Gurnam Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. K. B. Raheja, Advocate,
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.76 dated 01.06.2021, under Sections 302, 307, 34 IPC and Section 27 of the Arms Act, registered at Police Station Sadar Kotkapura, District Faridkot.

The learned counsel for the petitioner has submitted that the petitioner is 75 years old and as per the allegations there was a dispute with regard to irrigation of land within the family. The complainant is the wife of the deceased Nirmal Singh, who was the son of the present petitioner and the other co-accused against whom there are allegations of firing, is also the son of the petitioner. He submitted that even as per the FIR and the entire prosecution story, the only role attributed to the petitioner was with regard to raising a *Lalkara* and he has been falsely implicated in the present case because of the fact that he was residing with

the other co-accused. He submitted that be that as it may, the petitioner has already faced incarceration for about 1 year and more than 3 months as he is in custody from 02.06.2021. After completion of the investigation in the present case, the trial commenced and two prosecution witnesses including the complainant have been examined. He has also submitted that in view of the aforesaid facts and circumstances, since the trial of the case may take long time and also considering the custody and age of the petitioner, he may be considered for the grant of regular bail.

On the other hand, Mr. Kunal Vinayak, learned Assistant Advocate General, Punjab has stated that it is correct that the petitioner is in custody for the last one year and more than three months and the complainant has already been examined. It is also correct that as per the prosecution story, the only role attributed to the petitioner was raising of a *Lalkara*.

I have heard the learned counsel for the parties.

The petitioner who is stated to be an old aged person of 75 years is father of the deceased and has already faced incarceration for about one year and three months. Two prosecution witnesses including the complainant have been examined. During the course of arguments, learned counsel for the petitioner has stated that even application under Section 319 of the Code of Criminal Procedure is pending, which may cause further delay in the trial. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then he may abscond from justice or he may influence any witness or may tamper with evidence.

In view of the aforesaid facts and circumstances, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expresion of opinion on merits of the case and is only meant for the purpose of decision of present petition.

September 29, 2022
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No