

230

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

**CRM-M-17016-2022
Date of Decision: 23.08.2022**

Gurdeep Singh @ Rinku and another Petitioner

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. APS Rehan, Advocate,
for the petitioners.

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 grant of regular bail to the petitioners in case bearing FIR No.82 dated 19.08.2021, under Section 302 IPC (Section 120-B IPC added subsequently), registered at Police Station Hajipur, District Hoshiarpur.

It has been submitted by learned counsel for the petitioners that the petitioner No.1, namely, Gurdeep Singh @ Rinku is in custody since 21.08.2021 and petitioner No.2, namely, Randeep Singh @ Randy is in custody since 19.08.2021. He further submitted that the investigation of the case has already been completed and thereafter, all the material witnesses have been examined. He also submitted that it is a case where the allegations contained in the FIR were that the complainant has stated that

her husband had died due to injuries suffered by him and had named one Harish Kumar @ Ravi in this regard. Thereafter, when the aforesaid Harish Kumar @ Ravi was arrested then on his disclosure statement the name of the present petitioners were nominated. He further submitted that except the disclosure statement of the co-accused-Harish Kumar @ Ravi, there is no other sufficient material available with the prosecution to connect the petitioners in the present case. He also submitted that when the complainant herself was examined, she did not support the prosecution version and thereafter, she was declared hostile. He further submitted that the entire case is based upon the circumstantial evidence and the trial of the case may take long time and therefore, the petitioners may be considered for the grant of regular bail. He also submitted that both the petitioners are not involved in any other case.

On the other hand, Mr. Kunal Vinayak, learned AAG, Punjab has stated that it is correct that both the petitioners have faced incarceration for about one year and it is also correct that the name of both the petitioners are nominated on the basis of the disclosure statement of other co-accused, namely, Harish Kumar @ Ravi, who has been named in the FIR. He has however opposed the grant of regular bail to the petitioners on the ground that the role attributable to the petitioners was causing injuries on the head of the deceased and another role attributable to petitioner No.1 was that he was having a motorcycle on whose motorcycle the other co-accused had escaped.

I have heard the learned counsel for the parties.

Both the petitioners have faced incarceration for about one

year. As per the learned counsel for the parties, all the material witnesses including the complainant have been examined. The complainant, who is the wife of the deceased, has not supported the prosecution version at the time of deposition. Both the petitioners are not involved in any other case and they have been nominated on the basis of disclosure statement of the co-accused, namely, Harish Kumar @ Ravi. Therefore, considering the aforesaid facts and circumstances of the case, this Court deems it fit and proper to grant bail to both the petitioners.

Consequently, the present petition is allowed and both the petitioners are ordered to be released on bail on furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

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

23.08.2022*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

- | | |
|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |