

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

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CRM-M-17177-2022 (O&M)

Date of Decision: 06.09.2022

GURADIAL SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Manbir Basra, Advocate,
Mr. GS Madaan, Advocate and
Mr. AS Brar, Advocate
for the petitioner.

Mr. IPS Sabharwal, DAG Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.32 dated 29.03.2022, registered under Sections 302, 34 IPC; Section 202 IPC (added later on) and Sections 25 and 27 of the Arms Act, at Police Station Sekhwan, P.S. Batala, District Gurdaspur.

Status report by way of an affidavit dated 02.09.2022 of the Deputy Superintendent of Police, Sub-Division City Batala, Police District Batala, filed on behalf of the respondent-State, in the Court, is taken on record.

Learned counsel for the petitioner submits that the petitioner has been indicted in the present case only for the offence punishable under Section 202 IPC; that in the present case Jasbir Singh (the co-accused of the petitioner) is alleged to have committed the murder of his

own son, namely, Gagandeep Singh by firing a gunshot upon him; that the dispute between the duo was with regard to driving the car; that the allegation against the petitioner is that he was sitting in a car along with the co-accused and fled away from the spot, leaving the dead body at the spot and did not inform the police regarding the same in time and that the petitioner has been in custody since 30.03.2022.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner had actively participated in the alleged occurrence, inasmuch as, he, at any stage, had not tried to stop Jasbir Singh from firing a gunshot upon his own son and that he had intentionally not disclosed about the occurrence to the concerned police. He further submits that post presentation of the challan, the charges are yet to be framed and the prosecution evidence is to commence.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 30.03.2022. As per the learned counsel for the petitioner, the petitioner was sitting in the car and is only charged of offence punishable under Section 202 IPC. Charges are yet to be framed and the prosecution evidence is to commence. 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 either side, 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.

06.09.2022

Aman Jain

Whether speaking/reasoned

Whether reportable

(HARNARESH SINGH GILL)

JUDGE

:

:

Yes/No

Yes/No