

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

CRM-M-19129-2022

Date of Decision:-12.05.2022

Geja Singh @ Desa.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Jagdish Singh Mahal, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition is for the grant of regular bail under Section 439 Cr.PC in case FIR No.320 dated 13.11.2019 under Sections 302, 34 IPC and Sections 115, 120-B IPC (added later on) registered at Police Station Islamabad, Police Commissionerate Amritsar.

The prosecution case in brief is that Balraj Singh S/o Salwinder Singh got registered an FIR that he had received information from a relative that his sister Baljit Kaur alias Roop wife of Gurminder Singh had been murdered by some unknown person by strangulation. The aforementioned FIR came to be registered against unknown persons.

During the course of investigation five accused were arrested namely, Gurminder Singh, Gurwinder Singh @ Gora, Sukhdeep Singh @ J.P., Geja Singh @ Desa (present petitioner) and Veerpal Kaur @ Pali.

While Veerpal Kaur alias Pali and Gurminder Singh were the conspirators along with Gurwinder Singh @ Gora, the alleged assailants were Sukhdeep Singh alias J.P. and Geja Singh @ Desa (petitioner). The motive for the murder was the illicit relations between Veerpal Kaur @ Pali

and Gurminder Singh who wanted to do away with Baljit Kaur @ Roop wife of Gurminder Singh.

The learned counsel for the petitioner submits that the only piece of admissible evidence against the petitioner is the statement of one Galib Hussain who is said to have identified Sukhdeep Singh @ J.P. and co-accused Geja Singh @ Desa (petitioner) at the turn of the street on the date of alleged incident near the house of the deceased and also from photographs of CCTV footage. The said Galib Hussain was examined as PW-1, who has since turned hostile. Other than the said statement, the disclosure statement/confessional statements of Veerpal Kaur and the other accused would not further the case of the prosecution being inadmissible in evidence. He contends that the call records between all the accused as set out in the challan does not strengthen the case of the prosecution in the absence of the contents of the conversation. He thus, contends that there is no admissible evidence remaining against the petitioner. He lastly contends that the co-accused of the petitioner namely, Veerpal Kaur @ Pali, Gurwinder Singh @ Gora @ Nikku Dass, Gurminder Singh and Sukhdeep Singh @ JP @ Jaspreet Singh vide order dated 08.04.2022 have been granted the concession of regular bail.

On the other hand, the learned State counsel vehemently opposes the bail application but does not dispute the factual position as argued by the learned counsel for the petitioner.

I have heard the rival contentions of both the parties.

The primary piece of evidence against the petitioner is the alleged statement of Galib Hussain who has since turned hostile. So far as, the disclosure statement/confessional statements of Veerpal Kaur @ Pali and the other accused are concerned, they being made to the police are inadmissible in evidence. Out of 39 witnesses cited by the prosecution 8 witnesses have been examined till date and the material witnesses have not supported the case of the prosecution. The Hon'ble Supreme Court in "**Dr. Gokarakonda Naga Saibaba Versus State of Maharashtra, 2016(2) RCR (Criminal) 675**" and this Court in "**Devender Singh @ Devender Chhabra @ Tintu Versus State of Punjab, CRM-M-27957-2015 decided on 22.08.2016**" has held that grant of bail can be considered, where witnesses stand examined.

Admittedly, the petitioner has been in custody since 19.11.2019. The trial is not likely to be concluded in the near future. As such, the further incarceration of the petitioner is thus not required.

Thus, without adverting to the merits of the case lest it prejudices either side, I deem it appropriate to enlarge the petitioner on regular bail.

Accordingly, the present petition is allowed. The petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

Nothing expressed hereinabove would be construed to be an expression of any opinion on the merits of the case.

(JASJIT SINGH BEDI)
JUDGE

May 12, 2022
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>