

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

CRM-M-22804-2022

Date of Decision: 30.05.2022

Gurdhian Singh @ Seeti

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Simranjeet Singh Sarwara, Advocate,
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab,
assisted by ASI Jaswinder Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.79 dated 27.06.2021 at Police Station Banur, District Patiala, under Sections 302/283/323/341/506/34 IPC.
2. The FIR was lodged at the instance of Davinder Singh, wherein it has been alleged that on 22.06.2021, when he and his brother Lakhmeer Singh, who was going little ahead of him, were returning back home at about 8.00 PM on their separate motor-cycles, then suddenly a man pushing *rehri* came in front of his brother as a result of which his brother fell down. It is alleged that when his brother tried to reason out with the said person, the said person threw down the complainant's brother on road and hit him on his stomach with a wooden spade. In the meanwhile, two more persons came at the spot and they also gave beatings to the

- complainant's brother. The complainant disclosed the names of *rehri* puller as Paramjit Singh @ Bholi as well as of two others as Amarjit Singh @ Darji and Gurdhian Singh @ Seeti (petitioner), which he came to know later on.
3. It is the case of the prosecution that although the complainant's brother was taken to hospital, but he succumbed to his injuries.
 4. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case, as would be evident from the fact that when the complainant as well as other witnesses were examined during the course of trial, none of them supported the case of the prosecution. Learned counsel in this context has drawn the attention of this Court to the copies of the statements of Devinder Singh (PW-1), Jagdish Singh (PW-2), Hardeep Singh (PW-3) and Rajwinder Kaur (PW-4) annexed with the petition as Annexures P-4 to P-7. Learned counsel has further submitted that since co-accused Amarjit Singh @ Darji has already been granted bail by this Court, the petitioner also deserves the same concession on grounds of parity.
 5. Opposing the petition, learned State counsel has submitted that it is a case where the petitioner has been able to win over the complainant and other witnesses. It has further been submitted that since the petitioner has been specifically named in the FIR and there are specific allegations against him, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars

since the last more than 10 months and that he is not involved in any other case.

6. I have considered rival submissions addressed before this Court.
7. Having regard to the fact that the complainant, who is none else but real brother of the deceased, as well as other witnesses have resiled and have not supported the case of the prosecution and that the petitioner has been behind bars for a substantial period of more than 10 months, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

30.05.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**