

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(107+210)

CRM-1941-2022 in/and
CRM-M-21033-2020
Date of Decision : February 08, 2022

Gurpreet Singh @ Kaku

.. Petitioner

Versus

State of Punjab

.. Respondent

(210-A)

CRM-M-26753-2021

Davinder Singh

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Naresh Kumar Manchanda, Advocate,
for the petitioner (in CRM-M-21033-2020).

Mr. Amandeep Singh Rai, Advocate,
for the petitioner (in CRM-M-26753-2021).

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

CRM-1941-2022

Present application has been filed for placing on record the

testimony of complainant Baldev Singh recorded before the trial Court as Annexure P-5.

Keeping in view the averments made in the application, the same is allowed and Annexure P-5 is permitted to be taken on record.

CRM-M-21033-2020 and CRM-M-26753-2021

By this common order, two petitions, the details of which have been given in the heading of the order, are being disposed of as these petitions arise out of the same FIR.

Present two petitions have been filed for the grant of regular bail to the petitioners in respect of FIR No.184 dated 07.09.2019 registered under Sections 302, 34 and 120-B of the Indian Penal Code, 1860 at Police Station City Jagraon, District Ludhiana.

Learned counsel for the petitioners submits that in fact, the petitioners have been falsely implicated in the present case by the father of the deceased much after the incident had happened though, now during his testimony, he has resiled even from the said statement. Learned counsel for the petitioners further submits that in the present case, the petitioners along with the deceased were attacked by unidentified persons and the wife of the petitioner Gurpreet Singh @ Kaku, namely Rajvir Kaur scummed to injuries suffered in the said assault and after a period of 05 days of the incident, on the complaint made by the father of the deceased, the petitioners were roped in the present case on the ground that the deceased was being harassed by her husband namely Gurpreet Singh @ Kaku, (petitioner in CRM-M-21003-2021) and he murdered his wife with the help of Davinder Singh, who is the petitioner in CRM-M-26753-2021. Learned counsel for the petitioner

further submits that the only material witness i.e. the complainant has already been examined and all other witnesses are official and the material witness has not stated anything so as to connect the petitioners with the crime and even otherwise petitioners didn't had any motive to kill the deceased coupled with the fact that the petitioners are behind the bars since 15.09.2019 and the trial is likely to take some time before it concludes, no useful purpose will be achieved in keeping the petitioners behind the bars.

Learned State counsel concedes the factum that material witness i.e the complainant has already been examined and all the other witnesses are official witnesses. Learned State counsel submits that the petitioners were involved in the present case on the basis of the complaint made by the complainant but now the complainant has not supported the prosecution version in entirety with regard to the allegations but submits that the guilt and innocence of the petitioners will be adjudged on the basis of the complete evidence, which will come on record during the trial and therefore, as the petitioners are accused of heinous crime, the prayer of the petitioners for the grant of regular bail may kindly be declined.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the fact that the petitioners are behind the bars for the last more than two and half years and the material witness i.e. the complainant, who is father of the deceased, has already been examined, no useful purpose will be achieved in keeping the petitioners behind the bars as the allegations against them are yet to be proved during the trial.

CRM-1941-2022 in/and CRM-M-21033-2020 and other connected case
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Learned counsel for the petitioners has undertaken before this Court in case, the petitioners are extended the concession of regular bail, they will not influence the trial or the witnesses in any manner and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioners be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

It is made clear that nothing in this order will be construed as opinion on merits as guilt and innocence of the petitioners will be adjudged on the basis of the completed evidence, which will come on record.

February 08, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : Yes