

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.205

CRM-M-24710-2022

Date of decision: 22.11.2022

Gurwinder Singh @ Guri

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Suvir Sidhu, Advocate, for the petitioner.

Ms. Anju Sharma Kaushik, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.0230 dated 11.10.2018 registered under Sections 302, 473 and 120-B IPC and Sections 25, 27, 30, 54 and 59 of the Arms Act, 1959 at Police Station Dugri, District Police Commissionerate Ludhiana.

Briefly stated, the case of the prosecution is that the deceased had illicit relations with the wife of co-accused Balwinder Singh and therefore, the petitioner, on the asking of Balwinder Singh murdered the deceased by firing upon him.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; the petitioner is in custody for the last 04 years; all material witnesses in the petitioner's trial stand examined; the only eye witness namely Sukhdev Singh while appearing before the Trial Court as PW-7 has categorically denied the petitioner's presence at the spot of occurrence; the CCTV footage relied upon by the State is denied by the petitioner but even if the same is accepted, the same contains footage of only the petitioner driving a motorcycle at 9.30 a.m. towards the alleged spot of occurrence and then driving back at 10.02 a.m.; the afore CCTV footage nowhere proves that the deceased was murdered by the petitioner; there is no forensic evidence to back the prosecution's story and that since in the petitioner's trial 23 prosecution witnesses still remain to be examined, the same will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner is the main accused in a murder case; as per CCTV footage he is seen arriving at and leaving the place of occurrence at the time the deceased was murdered; the murder weapon was recovered from the back side of the petitioner's dressing table and if released on bail he may influence his trial.

The petitioner is in custody for the last 04 years; all material witnesses in the petitioner's trial stand examined; PW-7 Sukhdev Singh, who is the only eye-witness, while appearing before the Trial Court has not towed the line of the prosecution as he has specifically stated that the petitioner was not present at the place of occurrence and that since in the petitioner's trial 23 prosecution witnesses still remain to be examined, the same is likely to take a long time to conclude.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Ludhiana, who shall insist upon two heavy local sureties, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

November 22, 2022

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(DEEPAK SIBAL)

JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No