

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.35614 of 2021 (O&M)
Date of decision : 13.05.2022

Kulbir Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :-Mr. Amandeep Singh Rai, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.16 dated 28.01.2019 registered under Sections 302 and 34 IPC at Police Station Tibba, District Police Commissionerate, Ludhiana.

Custody certificate by way of affidavit of Kanwar Surteg Singh, PPS, Deputy Superintendent of Central Jail, Ludhiana has been filed and the same is taken on record.

The petitioner has been in custody since 10.04.2021. Admittedly charges have been framed. Out of 19, 4 witnesses stand examined including the complainant-Gurdev Singh who appeared as PW-1.

Counsel for the petitioner has relied upon the statement of complainant himself PW-1 who has stated :-

"I am a driver. I have three children. Deceased Gurwinder Singh was my son. He was unmarried. He worked as a laboratory assistance (sic. Assistant) at Deep Hospital

Ludhiana. On 27.1.2019 at about 5 P.M., my son Gurwinder Singh told me that Jagjit Singh son of Maghar Singh has called me at Gopal Nagar Ludhiana, where Jagjit Singh used to reside as a tenant and thereupon my son Gurwinder Singh went to meet Jagjit Singh on a motorcycle. My son Gurwinder Singh did not return back on that day. On the next day i.e. 28.1.2019 in the morning time I received information from Civil Hospital Ludhiana that the condition of my son Gurwinder Singh is very critical as he is admitted at Civil Hospital, Ludhiana at very serious condition as he has received number of injuries and asked us to visit at civil hospital. Thereupon I alongwith my relatives had visited Civil Hospital, Ludhiana and before my arrival at Civil Hospital, Ludhiana my son was already expired. I saw the dead body of my son Gurwinder Singh and I noticed that number of injuries were there on the various parts of the body of my son Gurwinder Singh. When I went to lodge the report to the police and I met police party at Tibba Road where I got recorded my statement to the police which is Ex.P1 which bears my signatures and I identify the same at Ex.P2. I started inquiring about the assailants and I got to know that accused Jagjit Singh and his brother Ranjit Singh in connivance with Jaswant Singh of village Meharban, Kulbir Singh of Meharban and Vinod Kaushal resident of Gopal Nagar Ludhiana have committed murder of my son Gurwinder Singh by calling him at the rental accommodation of Jagjit Singh. In this regard on the next day on 29.1.2019 I got my statement recorded to the police which is Ex.P3 which also bears my signatures and I identify the same at Ex.P4. The motive behind the occurrence was that my son Gurwinder Singh was having illicit relations with the wife of accused Jagjit Singh due to which Jagjit Singh in connivance with other accused murdered my son. Scaled site plan was prepared in my presence and at my instance. I identify the accused Jaswant Singh and Vinod Kaushal present

in court today and I also identify accused Jagjit Singh and Kulbir Singh (through VC).

Xxxxxxx by Sh.Amandeep Singh Rai Adv. for all the accused.

I do not know as to which mode Gurwinder Singh was called to Ludhiana by Jagjit Singh. No one came to call Gurwinder Singh in my presence. I am not eye witness of the present case. I cannot tell as to who told me the names of accused afterwards. It is correct that accused were not known to me personally before the incident. It is wrong to suggest that the motive behind the occurrence that my son having illicit relations with the wife of accused Jagjit Singh. It is further wrong that Jagjit Singh in connivance with other accused have murdered my son. It is wrong to suggest that I have deposed falsely.”

and would submit that even in the statement made before the trial Court the allegations levelled against the petitioner are merely hearsay. Apart from that he has relied upon the orders passed by this Court in CRM-M-1977 of 2020 titled as ***Jaswant Singh Vs. State of Punjab*** decided on 18.09.2020 (Annexure P-2) and CRM-M-42723 of 2020 titled as ***Vinod Kaushal Vs. State of Punjab*** decided on 01.03.2021 (Annexure P-3) whereby the co-accused have been granted the concession of regular bail.

Per contra learned State counsel submits that the petitioner has been specifically named in the supplementary statement and so far as the statement of PW-1 is concerned the same shall be subject matter of the trial though he does not dispute the fact that the complainant stands examined.

The petitioner has been in custody since 10.04.2021. Charges stand framed. Material witnesses including the complainant stands examined. It is a case of circumstantial evidence.

Keeping in view the above facts and the period of incarceration already suffered by the petitioner, without going into the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned on parity with the co-accused.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed off.

(PANKAJ JAIN)
JUDGE

13.05.2022
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No