

CRM-M-51758-2021(O&M)
Date of decision: 12.12.2022

GURPREET SINGH @ GOPI@ JOHNY

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. M.K.Dogra, Advocate for the petitioner.

Mr. Iqbal Singh Mann, DAG, Punjab.

VIVEK PURI,J. (ORAL)

Custody certificate of the petitioner has been circulated today and the same is taken on record.

Gurpreet Singh @ Gopi @ Johnny-petitioner is seeking regular bail in the case bearing FIR No.26 dated 14.02.2018 under Sections 302/34 IPC, registered at Police Station Tanda, District Hoshiarpur.

Briefly, the FIR was registered on the basis of the statement made to the police by Ranjit Singh alleging that on 13.02.2018, Teeta along with another friend came to his house and took his son Gurmangatpal Singh with him. At the earlier instance, Gurmangatpal Singh refused to accompany them but the accused forcibly made him to sit in the vehicle. The complainant and his family members tried to telephonically contact Gurmangatpal Singh but he was not picking up the phone. At about 10 P.M., Balwinder Kaur, the daughter-in-law of the complainant received a telephonic call from Teeta who informed them that Gurmangatpal Singh was unconscious and had been taken to Civil Hospital, Tanda. Mangat Singh, a relative of the complainant was asked to reach Civil Hospital, Tanda and he was informed that Gurmangatpal Singh is lying in the ambulance and has been

referred to Civil Hospital, Hoshiarpur. Mangat Singh along with the son of the complainant left for Civil Hospital, Hoshiarpur in the ambulance. Teeta and his friends were following the ambulance but they slipped away on the way. Upon reaching the hospital, Gurmangatpal Singh was declared dead.

Learned counsel for the petitioner contends that the name of the petitioner has not been mentioned in the FIR and he was not previously known to Ranjit Singh, PW-1 and Mangat Singh, PW-2. Even, no test identification parade was conducted and the presence of the petitioner was not established at the spot. The petitioner is in custody for a period of 03 years, 04 months and 14 days and is not involved in any other case. The earlier application for bail was dismissed by a speaking order as back as on 31.08.2020.

On the contrary, it has been pointed out by the learned State counsel that the name of the petitioner had emerged in the supplementary statement of the complainant and his name has been categorically and specifically mentioned by Ranjit Singh and Mangat Singh, the witnesses in the instant case. The petitioner was accompanying the co-accused, Teeta and had taken the deceased in the car. Furthermore, Teeta, the co-accused has been declared as proclaimed offender. So far out of 18, only 10 witnesses have been examined.

It is no doubt true that at the earlier instance, the application for bail was dismissed by a speaking order in terms order dated 31.08.2020 but it is significant to note that despite after a lapse of a period of almost 2 ½ years thereafter only 10, out of 18 witnesses have been examined. Petitioner has not been named in the FIR and his name has emerged in the supplementary statement. The defence version of the petitioner is to the effect that the deceased had committed suicide by consuming some poisonous substance on account of matrimonial discord with his wife. Subsequent to the dismissal of the earlier bail

delayed and still 08 more witnesses are required to be examined. The delay in conclusion of trial makes out sufficient change of circumstances which may justify extending concession of bail. The conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

12.12.2022

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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No