

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

CRM-M-53403-2021 (O&M)

Date of decision: 12.05.2022

Parwinder Singh @ Gaggi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Yashpal Thakur, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 127 dated 09.08.2020, registered under Sections 302, 34, 120-B of the IPC at Police Station Bassi Pathana, District Fatehgarh Sahib.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant Mangaldeep Singh, it is stated that one Gurmehar Singh was working with him and on 08.08.2020, the complainant had gone to attend a function of his cousin brother Harpreet Singh and when he was returning in his car at about 11:00 PM, he noticed that a motorcycle bearing registration number PB-10-EU-7186 was parked. The complainant also noticed that one Maninder Singh @ Mani, who is the brother-in-law of complainant's another cousin Paramjit Singh @ Raju, and one other person namely Parwinder Singh @ Gaggi were standing. He later on noticed that Sunny @ Sukha was holding the hand of Paramjit Singh @ Raju and was taking him

towards the main road. Thereafter, the complainant went to his house and later on, he received a phone call that Parwinder Singh @ Raju has been murdered and his dead body is lying near the road.

Learned counsel for the petitioner further submits that the petitioner is in judicial custody for the last 01 year and 09 months and statement of some of the witnesses has already been recorded.

Learned counsel has referred to the statement of complainant/PW-1 Mangaldeep Singh, wherein he has not named the petitioner as a person, who was present at the spot, rather he has stated that he had seen Sukha, who pulled Paramjit Singh @ Raju towards the main road.

Learned counsel has then referred to the statement of PW-3 Gursewak Singh, a witness who came to the spot on receiving the information about the dead body of Paramjit Singh @ Raju, to submit that this witness in his examination-in-chief has stated that he has only suspicion on the brother-in-law of Raju (i.e. co-accused Maninder Singh), whose name he does not remember. This witness was declared hostile by the public prosecutor and even in cross-examination, he has not named the petitioner as person, who was present at the spot.

Reply, filed by way of the affidavit of the DSP, Bassi Pathana, District Fatehgarh Sahib, is on record, wherein after verifying the contents of the FIR, it is stated that the cause of death was injuries to brain and hypovolemic shock, which is sufficient to cause death in ordinary cause of nature.

Learned State counsel has submitted that after the petitioner was arrested, a wooden stick was recovered from him.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody for the last 01 year and 09 months; the complainant has not fully supported the prosecution version by not naming the petitioner as one of the two persons, who were present at the spot and also considering the statement of PW-3 Gursewak Singh, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

12.05.2022
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No