

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-53834-2021

Date of Decision: 30.3.2022

Gurdeep Singh @ Gogi

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Avtar Singh Bhatti, Advocate, for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.0080 dated 12.12.2020 registered for the offences punishable under Sections 302, 34 IPC at Police Station Majri, District SAS Nagar (Mohali).

Counsel for the petitioner contended that the petitioner was falsely implicated in the present case and is behind bars since 15.12.2020. He further contended that as per allegations made in the FIR, there was no eye witness to the alleged occurrence; that subsequently, one Kulbir Singh son of Nagar Singh made statement to the police that he was present at the time of occurrence and he saw that main accused Kulbir Singh caused injuries to the deceased with the help of *kirch* while the petitioner and one Jasbir Singh gave fist blows to the deceased.

Counsel for the petitioner further contended that during the trial, aforesaid Kulbir Singh son of Nagar Singh has been examined as PW5 but he failed to support the case of the prosecution. He further submitted that even otherwise, as per statement of said Kulbir Singh recorded under

Counsel for the petitioner made prayer that the petitioner be released on regular bail as it will take time for conclusion of the trial.

The bail application has been opposed by the State counsel, who submitted that the petitioner is facing trial along with other accused persons with regard to murder of Avtar Singh.

I have considered the submissions made by the counsel for the parties.

The factual position regarding examination of PW5-Kulbir Singh and the fact that he has been declared hostile, is not denied by the State counsel. As per custody certificate, the petitioner is in custody for the last more than 1 year and 3 months and is not involved in any other case. Admittedly, the star witness of the prosecution has failed to support the prosecution case. Even otherwise, as per statement of PW5-Kulbir Singh which was recorded under Section 161 Cr.P.C., only fist blows were attributed to the petitioner.

In view of above, this Court is of the view that no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

March 30, 2022

Paritosh Kumar

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No