

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

204

CRM-M-49190-2019 (O&M)
DATE OF DECISION: 16.05.2022

GURMUKH SINGH @MIDDA

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Akshay Bhan, Senior Advocate with
Mr.HPS Sandhu, Advocate for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

Mr. Ajit Lamba, Advocate for the complainant.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking regular bail in FIR No.116 dated 10.07.2018, under Section 307 read with Section 34 IPC (Section 302 IPC added later on) registered at Police Station Jakhal, District Fatehabad.

Learned senior counsel for the petitioner contends that the incident is an outcome of a sudden quarrel between the parties over sharing of watercourse. He further contends that the petitioner had allegedly given a 'kassi' blow on the head of the deceased. He also contends that in view of the allegation of a solitary blow with 'kassi', it would be debatable as to whether offence under Section 302 or 304 IPC would be made out. The petitioner is not involved in any other criminal case. He is in custody for over 3 years and 10 months.

Custody certificate filed by the learned State counsel is taken on record which indicates that the petitioner is in custody for 03 years, 10 months and 01 day. Learned State counsel, on 28.02.2022, had submitted that only two witnesses remained to be examined. He had also stated that every effort shall be made to examine them on the next date of hearing i.e. 15.03.2022. On 07.04.2022, learned State counsel, upon instructions from ASI Ram Kumar, had submitted that four prosecution witnesses are yet to be examined.

In view of the contradictory stand of the learned State counsel on two occasions, Superintendent of Police, Fatehabad was directed to file an affidavit as to why incorrect information had been furnished and set out the stage of the trial. An affidavit of Superintendent of Police, Fatehabad has been filed wherein it is stated that 7 prosecution witnesses remain to be examined and incorrect information had been passed by the police official who has been censured. It is also stated that 11 out of 18 prosecution witnesses have been examined.

Learned counsel for the complainant, however, submits that in view of the serious allegations against the petitioner, he is not entitled to be released on regular bail.

Heard.

In view of the above, especially when the petitioner is in custody for over 3 years and 10 months, he is not involved in any other criminal case, the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

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

Criminal miscellaneous application, if any, also stands disposed of

(ANUPINDER SINGH GREWAL)
JUDGE

16.05.2022
SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No