

221 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH

CRM-M-3621-2023

Date of decision: 28.04.2023

Gurbaaj Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Dheeraj Narula, Advocate for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

NAMIT KUMAR, J. (ORAL)

1. Petitioner has filed the instant petition under Section 439 Cr.PC seeking regular bail in case FIR No.108 dated 05.08.2021 under Sections 302/201/364/34 of IPC, registered at Police Station Baragudha, District Sirsa (Annexure P-1).

2. The brief facts of the prosecution case are that on 05.08.2021 complainant Jagga Singh son of Hamir Singh, resident of village Buppan, District Sirsa got recorded his statement with the police on the allegations that they are four brothers and they are living together. His brother Roshan Singh and Baggar Singh had already expired. His nephew Gurbaaj Singh (petitioner) son of Roshan Lal also lived with them. His brother Sohan Singh used to ply three-wheeler bearing registration No.HR57-8503. On 03.08.2021 his brother Sohan Singh had gone on said three-wheeler but did not return. When they tried to search for him, they came to know that Sohan Singh was present at Bus Stand of village Buppa at 8-30 P.M. and he was accompanied by Gurbaaj Singh (petitioner), nephew of the complainant and one Gurdit son of Vichittar Singh.

Later on he came to know that at that time a quarrel had taken place between

~~Sohan~~ Sohan Singh and his nephew Gurbaj Singh (petitioner) and Gurdit Singh at

Bappan bridge under the influence of liquor. After said quarrel, Gurbaaj Singh (petitioner) and Gurdit Singh took Sohan Singh in the three-wheeler. When the complainant inquired about Sohan Singh from Gurbaaj Singh (petitioner) and Gurdit Singh, they admitted their guilt and stated that on 03.08.2021 they had purchased a bottle of liquor from liquor vend Bappan and started consuming liquor in the three-wheeler of his uncle. At that time, a quarrel had taken place between them. They had taken their uncle Sohan Singh with them forcibly at Kharekan Ghaggar canal bridge and had thrown him in the said canal in the drunken condition. It was prayed for taking legal action against the culprits. Pursuant to the above said statement of the complainant, FIR in the instant case under Sections 201, 302, 364 IPC read with section 34 IPC was registered.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case. He further submits that date of the alleged occurrence is 03.08.2021 and the present FIR has been registered after a delay of 2 days on 05.08.2021 by the real uncle of the petitioner namely Jagga Singh, who has not supported the case of the prosecution in his statement dated 01.07.2022 recorded before the trial Court (Annexure P-2). He further submits that other private witnesses i.e. PW2 Tarsem Singh, PW3 Gurlal Singh, PW4 Surjit Singh, PW5 Pawan Kumar and PW6 Gurdev Singh have also not supported the prosecution case. He further submits that the investigation in the present case is complete; challan has been presented; charges have been framed and out of total 14 prosecution witnesses 06 have been examined, who have not supported the prosecution case and the other witnesses are yet to be examined. He further submits that the petitioner is in custody since 07.08.2021 and he is not involved in any other case. Trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

4. Per contra, learned State counsel, while placing on record, custody certificate and status report opposes the prayer for grant of regular bail to the petitioner by stating that allegations levelled against the petitioner are serious in nature, therefore, he is not entitled for the concession of regular bail. However, she could not dispute that the other six private witnesses including the complainant, who have also not supported the prosecution case; investigation in the present case is complete; challan has been presented; charges have been framed and out of total 14 witnesses 06 have been examined and the petitioner is not involved in any other case.

5. I have heard learned counsel for the parties and perused the record.

6. Keeping in view the custody of the petitioner, which is about 01 year 08 months 21 days; investigation is complete; challan has been presented; charges have been framed and out of 14 witnesses, 06 witnesses have been examined including the complainant, who have also not supported the prosecution case; no recovery has been effected from the petitioner; petitioner is not involved in any other case and trial is likely to take a considerable time.

7. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

8. Accordingly, the present petition stands disposed of.

9. Nothing observed herein shall be construed as an expression of opinion on the merits of the case of either parties.

28.04.2023

Parveen kumar

(NAMIT KUMAR)
JUDGE

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