

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-21162-2021

Date of Decision: 18.5.2023

Gurpreet Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Atul Kaushik, Advocate
for the petitioner.

Mr. Sanish Girdhar, AAG, Punjab.

Mr. A.P. Kaushal, Advocate,
for the complainant.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.283 dated 16.12.2019 registered for the offences punishable under Sections 302 IPC at Police Station Sadar Kharar, District SAS Nagar.

2. The allegations in nutshell are that complainant-Paramjit Singh reported to the police that his wife Sharanjit Kaur was running one academy in SCO No.3, Gidde Complex, Desu Majra. On 11.12.2019, his wife had gone to academy at about 10:30 a.m. and the petitioner talked to his wife at about 11:45 a.m. and his wife informed one Gurdeep Singh that the petitioner had reached her office. Thereafter, Gurdeep Singh tried to contact wife of the complainant but her phone was switched off. Gurdeep Singh

informed about the same to the complainant and then the complainant, Gurdeep Singh and Rekha Rani reached the spot where the wife of the complainant was found lying dead on the ground and the blood was oozing out of her mouth. As per the complainant, there was some money dispute between the petitioner and his wife and the petitioner killed his wife by strangulating her for the aforesaid reason. The petitioner was arrested in this case on 23.6.2020.

3. Counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case at the instance of the complainant and is in custody for the last more than 2 years and 10 months and is having no criminal history. He further submits that the entire case is based on circumstantial evidence and during trial, the prosecution examined 7 material witnesses but none of them has stated anything against the present petitioner while appearing in the witness box. He further submits that as per testimony of PW2, one Rekha Rani witnessed the alleged occurrence but even said Rekha Rani while appearing in the witness box, has not supported the case of the prosecution. He further contends that the prosecution is also relying upon one CCTV footage in order to show that at the relevant time, the petitioner was present in the premises where the alleged occurrence had taken place. He further submits that said CCTV footage was not put to aforesaid 7 material witnesses by the public prosecutor during trial and further, authenticity of the said CCTV footage is subject matter of trial and its admissibility will be subject to provisions of Section 65-B of Evidence Act. He further submits that 9 more witnesses remain to be examined and it will take considerable time for the trial to conclude. So, prayer is made that

petitioner be released on bail.

4. Present petition is resisted by the State counsel as well as counsel for the complainant who submit that there are specific allegations against the petitioner who was having money dispute with the deceased and the petitioner strangled the deceased by visiting her office and there is a CCTV footage showing that the petitioner entered the said office and after about half an hour, came out from there. State counsel further submits that the trial is going on and already 10 prosecution witnesses are examined. However, the State counsel has not disputed the custody period of the petitioner who is incarcerated for the last more than 2 years and 10 months.

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

6. The prosecution has already examined all the material witnesses including the complainant. The entire case is based on circumstantial evidence. As per prosecution version, there is one CCTV footage showing presence of the petitioner near the place of occurrence at the relevant time but it appears that the same has not been put to aforesaid material witnesses by the public prosecutor during trial. Admissibility and reliability of said CCTV footage is subject matter of trial. Admittedly, the petitioner is in custody for the last more than 2 years and 10 months and 9 more witnesses remain to be examined on behalf of the prosecution. In the given circumstances, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

7. 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 regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

May 18, 2023
Paritosh Kumar

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