

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

214-A

CRM-M-14497-2023 (O&M)
Date of decision: 21.08.2023

Gurpreet Singh @ Nikka

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Mohit Garg, Advocate for the petitioner.

Mr. Hakam Singh, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

1. Through this instant petition, the petitioner seeks regular bail in case bearing FIR No.163 dated 06.11.2020, registered at Police Station Longowal, District Sangrur, under Sections 302, 460, 458, 109, 120-B and 34 IPC.
2. Status report filed on behalf of the respondent-State is already on record.
3. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the petitioner was not named in the FIR and has been indicted on the basis of statement of Baldev Singh, recorded under Section 161 Cr.P.C., who had allegedly recognised petitioner; that the said Baldev Singh, not named the petitioner in his statement recorded on 06.11.2020, he recognised the petitioner in the CCTV Footage of the Camera installed at the outside of the house of the deceased and Veerpal Kaur, as one of the assailant and name the petitioner in his subsequent

statement recorded on 11.11.2020; that said Baldev Singh has been given up by the prosecution agency on 10.01.2023; that there is no other prosecution witness, who has identified the petitioner; that all the material prosecution witnesses have been examined; that the petitioner has been in custody since 26.11.2020; that even the mother of the deceased and complainant-Harpreet Kaur, have not named the petitioner, in their statements recorded under Section 161 Cr.P.C.; that recovery has already been effected; that out of 33 prosecution witnesses, only 06 have been examined so far and that similarly situated co-accused Sukhdeep Singh @ Deepa, from whom Axe has been recovered, and co-accused Kamaljit Singh @ Kamaldeep Singh, have already been enlarged on bail.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner has actively participated in the murder of husband of Veerpal Kaur. However, he does not dispute the custody period of the petitioner and that the petitioner has been recognised by Baldev Singh in his subsequent statement recorded on 11.11.2020 as one of the assailant. He submits that the material prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 26.11.2020. The mother of the deceased and complainant-Harpreet Kaur, have also not named the petitioner, in their statements recorded under Section 161 Cr.P.C. The alleged witness, Baldev Singh who recognised the petitioner in his subsequent statement recorded on 11.11.2020, has been given up by the prosecution agency 10.01.2023. Remaining 27 prosecution witnesses are yet to be

examined. Therefore, the conclusion of the trial would take time. Moreover, similarly situated co-accused Sukhdeep Singh @ Deepa, from whom Axe has been recovered, and co-accused Kamaljit Singh @ Kamaldeep Singh, have already been enlarged on bail. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

21.08.2023
Mangal Singh

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