

CRM-M-17714-2022

DECIDED ON: 16.03.2023

GURDEEP SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Aayush Gupta, Advocate for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

Mr. Sunil Chadha, Sr. Advocate with
Ms. Kashish Aggarwal, Advocate
for the complainant.**SANDEEP MOUDGIL, J (ORAL)**

The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in FIR No. 223, dated 17.12.2020, under Sections 302, 201, 34 IPC, registered at Police Station Jamalpur, District Police Commissionerate Ludhiana.

Learned counsel for the petitioner has contended that it is case of blind murder based totally on circumstantial evidence and that the prosecution mainly relies upon the 'last seen' evidence in the shape of statement of Sandeep Singh, who had seen the petitioner along-with his co-accused Gurpreet Singh going in an Innova Car in which somebody was lying on the rear seat. He submits that the case of the petitioner is similarly situated with that of his co-accused namely Gurpreet Singh @ Gopi who has already been granted the concession of regular bail by this Court vide order dated 30.03.2022.

On the other hand, learned State counsel as well as learned Senior counsel representing the complainant have submitted that in the present case after

and in fact also got the dead body of the deceased recovered from the bushes.

Considering the totality of the facts, it is not in dispute that it is a case of blind murder based totally on circumstantial evidence and there is a debatable issue as to whether the 'last seen' evidence can be used against the petitioner, when the identity of the person lying on the rear seat of the Innova car being driven by Gurdeep Singh is not established added with the fact that the co-accused of the petitioner namely Gurpreet Singh, with whom he had been last seen, has already been granted the concession of regular bail by this Court, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take sufficient long time.

The petitioner is ordered to be released on regular bail subject to his furnishing personal and surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

In view of afore-said terms, the present petition stands allowed.

However, it is made clear that anything stated hereinabove, shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

16.03.2023

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>