

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-18709-2023

Date of Decision:-17.07.2023

Gurpreet Singh @ Gopi.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Dilpreet Singh Gandhi, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, Assistant Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.253 dated 6.11.2021 registered under Sections 302, 452, 323, 148, 149, 506 IPC, at Police Station Kamboj, District Amritsar.

2. The allegations in brief are that the family of complainant Gurbhinder Singh was residing in the neighbourhood of Simranjit Singh. At the time of occurrence Simranjit Singh trespassed into the house of the uncle of the complainant, armed with a brick and he was accompanied by Joga Singh @ Bagga Singh (granted bail vide order dated 22.03.2023) and other accused persons. Then Simranjit Singh and Sagar Singh raised *lalkaras* and Simranjit Singh gave a brick blow on the forehead of Rajinder Singh brother of the complainant. Sagar Singh also gave a brick blow which hit on the forehead of Rajinder Singh. Deepak pelted stones which hit on the left foot of Rajinder Singh. Happy started giving kick blows to Rajinder Singh.

Gurpreet Singh @ Gopi(petitioner) pelted stones which hit Ranjit Kaur on her left feet. Joga Singh @ Bagga Singh pelted stones which hit on the right hand of Gurmej Singh father of the complainant. Other accused also pelted stones, which hit the complainant and thereafter the accused persons fled away from there. Later on Rajinder Singh died in a hospital where he was undergoing treatment.

3. The counsel for the petitioner *inter alia* contends that the petitioner who is having no criminal history is in custody since 25.11.2021 and during investigation no incriminating article was recovered from the petitioner.

The counsel for the petitioner further submits that during trial the complainant and other so called eye-witnesses namely Balwinder Singh, Judgepreet Singh and Ravinder Singh were examined and did not support the case of the prosecution. The complainant in his cross-examination had failed to identify the accused persons including the petitioner. The counsel for the petitioner further submits that it would take considerable time for the trial to conclude and therefore the petitioner be released on bail, more so when his co-accused Joga Singh @ Bagga Singh has been granted the similar concession.

4. The instant petition is contested by the State counsel who contends that the petitioner actively participated in the occurrence which resulted in the death of Rajinder Singh. However, the State counsel has not disputed the fact that the petitioner is in custody since 25.11.2021 and that the co-accused has been granted bail.

The State counsel has also not disputed that the material witnesses have already been examined during the trial and that during investigation no incriminating article was recovered from possession of the

petitioner.

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

6. As per the allegations, the petitioner pelted stones which hit Ranjit Kaur on her left feet. There are no allegations that petitioner caused any injury to deceased Rajinder Singh brother of the complainant. The petitioner is in custody since 25.11.2021 and during investigation no weapon or other article was recovered from his possession. Further the complainant and other material witnesses have been examined out of which 3 eye-witnesses have not supported the case of prosecution. The exact complicity of the petitioner with regard to the murder of Rajinder Singh is a subject matter of the trial. The trial is going on but it will take a considerable time to conclude. Therefore, the further incarceration of the petitioner is not required.

7. Thus, without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

July 17, 2023
Vinay

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