

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-31533-2022 (O&M)

Date of Decision: 16.1.2023

Gurmukh Singh and another

....Petitioners

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. G.S.Simble, Advocate
for the petitioners.

Mr. M.S.Nagra, AAG, Punjab.

Mr. Saurav Kanojia, Advocate,
for the complainant.

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioners in case FIR No.58 dated 14.5.2022 registered for the offences punishable under Sections 306 IPC and Sections 25, 27 of Arms Act at Police Station Ghuman, Police District Batala, District Gurdaspur.

Counsel for the petitioners *inter alia* contends that the petitioners are not responsible in any manner for the suicide committed by Manohar Singh and that the petitioners are in custody since 14.5.2022 and during the trial, the complainant while appearing in the witness box, failed to support of the case of the prosecution, so, prayer is made that the petitioners be released on regular bail.

Short reply filed by way of affidavit of Gurinderbir Singh, DSP,

Sub Division, Sri Hargobindpur, Police District Batala on behalf of the State

is ordered to be taken on record.

State counsel apprised the Court that both the petitioners are named in the FIR and that trial is going on. However, the State counsel has not disputed the fact that the petitioners are lodged behind the bars since 14.5.2022.

Counsel appearing on behalf of the complainant has not disputed the fact that during the trial, the complainant has not supported the case of the prosecution and further clarified that the petitioners were named in the FIR due to some misunderstanding between the parties and that the complainant is having no objection if the present petition is allowed.

In view of above, as the complainant failed to support the case of the prosecution and has been declared hostile during the trial, no useful purpose is going to be served by keeping the petitioners in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioners are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

January 16, 2023

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No