

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-34890-2023 (O&M)
Date of decision: 29.08.2023

Gurjit Singh @ Darji

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. Shubham Kaushik, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

1. Through this petition, the petitioner seeks regular bail in case bearing FIR No.82 dated 29.09.2022, registered at Police Station Bajakhana, District Faridkot, under Sections 302, 148 and 149 IPC.
2. Status report by way of affidavit dated 29.08.2023 of the Deputy Superintendent of Police, Sub Division Jaitu, District Faridkot, submitted by the learned State counsel in the Court, is taken on record. Copy of the same has been handed over to the learned counsel for the petitioner in the Court.
3. Learned counsel for the petitioner contends that as per the allegations, while the complainant and his father were cutting trees, a tree fell down on the house of Harjinder Singh and it was agreed to compensate him; that when Gurcharan Singh-father of the complainant went to the house of Harjinder Singh, he was given beatings and ultimately his father died; that the

petitioner has falsely been implicated in the present case; that the above-noted FIR was registered against Harjinder Singh and some unknown persons, and that neither the petitioner has been named in the FIR, nor any specific role has been attributed to him. It is further submitted that the complainant-son of the deceased and eye-witness, namely, Chattar Dass, while appearing before the trial Court as PW 1 and PW 2, respectively, have not supported the prosecution version and have been declared hostile. Furthermore, PW 3 Joginder Singh before whom the petitioner and the co-accused had suffered the extra-judicial confession has not supported the prosecution version and has been declared hostile.

4. Learned counsel for the petitioner further submits that the petitioner has been in custody since 07.12.2022 and that out of 29 prosecution witnesses, only 11 have been examined so far.

5. Learned State counsel, while vehemently opposing the prayer for bail submits that the petitioner has actively participated in the occurrence. The petitioner and the co-accused had suffered the extra-judicial confession before Joginder Singh and admitted their involvement in the crime. However, he does not dispute the custody period of the petitioner. He submits that some material prosecution witnesses are yet to be examined.

6. I have heard the learned counsel for the parties.

7. The petitioner has been in custody since 07.12.2022. The petitioner was not named in the FIR. The complainant-son of the deceased and eye-witness, namely, Chattar Dass, while appearing before the trial Court as PW 1 and PW 2, respectively, and PW 3 Joginder Singh before whom the

petitioner and the co-accused had suffered the extra-judicial confession, have not supported the prosecution version and have been declared hostile. Remaining 18 prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

8. 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

29.08.2023
Mangal Singh

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