

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-37549-2022
Date of Decision:-**13.02.2023**

GURSEWAK SINGH ALIAS SEWAK

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. S.S. Nohar, Advocate
for the petitioner.

Ms. Kanica Sachdeva, AAG, Punjab.

-.-

KARAMJIT SINGH, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. by the petitioner seeking regular bail in FIR No. 7 dated 11.01.2022, registered under Sections 302, 148, 149, 427, 482, 411, 201 and 120-B IPC and Section 25 of Arms Act, Police Station Tripuri, Patiala, District Patiala.

The case of the prosecution in brief is that on 11.01.2022 at about 9:40 a.m. Complainant Satish Chand was present in his house which was under construction and in the meantime his brother Tara Dutt came there in his car to serve tea to him and labourers, who were working there. When Tara Dutt had just stopped his car, two other cars having registration No.

PB10GR-2329 and Alto Car No. CH04B-4981 also reached there and Abu, Jitender Shergill, Kanwar Ravdeep Singh, Jaspreet Singh @ Maggu, Mani Walia and 8/9 unknown persons got down from the said two cars and they were armed with fire arms and sharp edged weapons and they started firing towards car of Tara Dutt. On this Tara Dutt tried to ran away after getting down from his car, but all the aforesaid persons fired at him as a result of which Tara Dutt was badly injured and fell near the car and then aforesaid persons ran away from there.

Further as per the prosecution version, Ravinder and Girish, who witnessed the occurrence recorded supplementary statements to the effect that the petitioner was also present at the time of occurrence and he gave blows of iron rod on the car of the deceased.

Counsel for the petitioner contends that the petitioner has been falsely nominated as an accused in the present case. The petitioner was not named in the FIR and was not present at the spot when the occurrence had taken place. Counsel further contends that the petitioner was arrested on 22.1.2022 and stated to have effected recovery of one iron rod. Counsel further contends that the allegations against the petitioner are that at the time of occurrence, the petitioner hit iron rod on the car of the deceased. The counsel for the petitioner further submits that no injury is attributed to the petitioner. That co-accused Davinder Singh @ Gully has been given benefit of regular bail by this Court vide order dated 13.5.2022 (Annexure P-6).

Present petition is resisted by State counsel, who on instructions from ASI Tejinder Singh submits that the petitioner was involved in murder of Tara Dutt and that he along with other accused persons was present at the spot and the petitioner who was armed with iron rod gave its blow on the car

of the deceased. State counsel further submits that the aforesaid iron rod was recovered at the instance of the petitioner, who is in custody since 22.01.2022. The State counsel has also admitted the fact that after investigation, challan has been presented by the police but the trial is yet to commence.

Admittedly, investigation in the present case has been completed but it will take time for completion of trial. In view of the fact that the allegations appearing against the petitioner are that he only gave blow of iron rod on the car of the deceased at the time of occurrence and no injury is attributed to him, no useful purpose is going to be served by keeping him in custody for any longer period.

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

(KARAMJIT SINGH)
JUDGE

13.02.2023
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No