

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

CRM-M-35449-2023

Date of Decision : December 15, 2023

Gurinder Singh @ Ginda		Petitioner
	Vs.	
State of Punjab		...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

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

 Ms. Ramta K. Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

Prayer in the present petition is for grant of regular bail to the petitioner in case bearing FIR No.120 dated 18.08.2014 under Sections 307, 326, 324, 323, 336, 171, 506, 148, 149 IPC and Sections 25, 27, 59 of the Arms Act (offence under Section 302 IPC added later on), registered at Police Station Goindwal Sahib, District Tarn Taran.

2. The present FIR came to be registered at the instance of Gurvel Singh @ Gela, who stated that Gurinder Singh @ Ginda fired at the deceased Baldev Singh with his pistol, the bullet of which hit him (Baldev Singh) in his stomach. Other accused persons caused injuries with different weapons on Baldev Singh and his son Amolak Singh. On hearing the noise, Satnam came to the spot and the accused ran away from there.

3. The learned counsel for the petitioner contends that Amolak Singh son of the deceased has been examined as PW1, Satnam Singh-eye witness has been examined as PW2, Gurvel Singh @ Gela (complainant) has been examined as PW3 and Harbhajan Singh has been examined as PW4. None of them have supported the case of the prosecution. Even the weapon of offence has not been recovered. As the petitioner was in custody since 28.08.2019, and only 04 out of the 34 prosecution witnesses have been examined so far, the trial of the present case is not likely to be concluded in near future, therefore, the petitioner is entitled to the concession of bail.

4. The learned State counsel, while referring to the reply dated 09.12.2023, contends that serious allegations have been levelled against the petitioner and, therefore, he is not entitled to the concession of bail. He, however, concedes that the petitioner is in custody since 28.08.2019 and only 04 out of the 34 prosecution witnesses have been examined so far all of whom, have turned hostile.

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

6. Admittedly, all the material witnesses have turned hostile. Whether the remaining evidence is sufficient to convict the petitioner shall be adjudicated upon during the course of the trial. Admittedly, the petitioner is in custody since 28.08.2019, and only 04 out of the 34 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to be concluded in near future. In this situation, the further incarceration of the petitioner is not required.

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7. In view of the above, the present petition is allowed and the petitioner-**Gurinder Singh @ Ginda** son of Dan Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

9. The petition stands disposed of.

December 15, 2023
satish

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : YES / NO

Whether reportable : YES / NO