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2023:PHHC:114532

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225A

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39193-2023

Date of Decision: 31.08.2023

SUKHCHAIN SINGH @ GULLU

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. K.B. Raheja, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Inderjit Singh, Advocate
for the applicant/complainant.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.256 dated 15.11.2022 (Annexure P-1) registered under Sections 302, 34 IPC, 1860 at Police Station Sadar Ferozepur, District Ferozepur.

2. The present FIR came to be registered at the instance of Rajwinder Kaur wife of Ranjit Singh who stated that she along with her husband had gone to City Park Palace, Ferozepur in order to attend the marriage of their neighbour Arshdeep Singh son of Sukhchain Singh. After the wedding, while they were all standing outside the Palace, then Gurjit Singh alias Bhola son of Jagir Singh armed with a Kirch, Sukhchain Singh alias Gullu (petitioner) son of Resham Singh, Gurbhej Singh son of Swaran Singh and Punjab Singh son of Pippal Singh came to the spot and started abusing her husband. Gurjit Singh alias Bhola raised a Lalkara. Thereafter, he

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gave a Kirch blow on the left side of the chest of her husband Ranjit Singh (deceased). Thereafter, the accomplices of Gurjit Singh alias Bhola started dragging her (complainant's) brother-in-law Gurlal Singh and Gursimran Singh. Meanwhile, Gurbhej Singh picked up a stone from the road and gave a blow of the same on the face of her husband who fell down. On her raising a noise, other persons came to the spot. Meanwhile, Gurjit Singh alias Bhola gave a Kirch blow on the left shoulder of her husband Ranjit Singh while he had fallen on the ground. On the intervention of others, Gurjit Singh alias Bhola along with his hand held Kirch, Sukhchain Singh, Punjab Singh and Gurbhej Singh fled from the spot. Her husband was taken to the Civil Hospital, Ferozepur where he was declared dead. Legal action was sought.

3. The learned counsel for the petitioner contends that as per the contents of the FIR, no specific role has been attributed to the petitioner. Thereafter, during the course of investigation, the supplementary statement of the complainant was recorded on 17.11.2022 wherein, it was stated that Punjab Singh and Sukhchain Singh (petitioner) had caught hold of her husband from his arms whereas Gurjit Singh alias Bhola had given a Kirch blow to him. Gurmeet Singh and Jagir Singh along with Joginder Singh had been sitting in two different cars outside the wedding venue asking the accused to inflict injuries and come back immediately. He contends that after the petitioner was arrested, a Kirch was shown to have been recovered from him which has been planted upon him because as per the FIR, Gurjit Singh @ Bhola had taken away the same. As the petitioner was in custody since 17.11.2022 and only 02 of the 31 prosecution witnesses had been examined so far, he was entitled to the concession of bail.

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4. On the other hand, the learned State counsel contends that the petitioner was accompanying the main accused who had committed the offence in question. As per the supplementary statement of the complainant, the petitioner is stated to have caught hold of the deceased. Therefore, having played an active role in the occurrence, he was not entitled to the concession of bail. He, however, concedes that the petitioner is a first-time offender, in custody since 17.11.2022 and only 02 out of the 31 prosecution witnesses had been examined so far.

5. The learned counsel for the complainant while reiterating the arguments raised by the counsel for the State contends that as per the prosecution case and the police diaries, the petitioner was one of the main accused. Therefore, he was not entitled to the concession of bail.

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

7. Admittedly, initially, no specific role had been attributed to the petitioner after which the complainant vide her supplementary statement stated that the petitioner had caught hold of the deceased. The evidentiary value of the supplementary statement and other evidence on record shall be a matter of adjudication during the course of trial. The petitioner is a first-time offender, in custody since 12.12.2022 and only 02 out of the 31 prosecution witnesses had been examined so far. Therefore, the Trial of the present case is not likely to be concluded in the near future. In this situation, his further incarceration is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Sukhchain Singh @ Gullu son of Resham Singh is ordered to be released on bail on his furnishing bail bonds

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and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

10. 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.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

31.08.2023
JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No