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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40735-2023
Date of decision: 25.08.2023

GURLAL SINGH @ NIKKA SINGH

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Kanwaljeet Singh Brar, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in complaint bearing CIS No.COMI/107/2015 dated 17.11.2015, under Sections 364, 465, 302, 326, 325, 324, 323, 120-B, 506, 511 and 34 of the IPC, registered at Police Station Jaitu, District Faridkot, Punjab.

2. Learned counsel for the petitioner has submitted that it is a case where on the basis of death of one Amritpal Singh, proceedings under Section 174 Cr.P.C. had commenced because it was found by the police that no offence has been made out against anybody and the death was caused because of over consumption of liquor. He further submitted that the incident took place in the year 2014 and the police exonerated the petitioner and the other co-accused. He

further submitted that thereafter the complainant had filed a criminal complaint before the learned Magistrate on the basis of which summoning order was issued and on the basis of preliminary evidence, the petitioner and his father were arrested. He further submitted that the father of the petitioner, namely, Baggar Singh has been extended the benefit of regular bail by this Court in CRM-M-27283-2023 on 20.07.2023 vide Annexure P-5. He further submitted that so far as the present petitioner is concerned, he is also similarly situated and is at parity with the aforesaid co-accused although the aforesaid co-accused is the father of the petitioner and he was an old man of the age of 70 years but now the custody of the petitioner is about 5 months and preliminary evidence has already been recorded by the learned trial Court. He further submitted that the entire case is based upon circumstantial evidence whereby one villager had stated that he had seen that the petitioner, his father and the deceased were having liquor together. He further submitted that the petitioner is not involved in any other case and has no criminal background and therefore he may be considered for grant of regular bail.

3. On the other hand, Mr. Sarabjit Singh Cheema, DAG, Punjab has stated that it is a case of criminal complaint filed by the complainant because the police had exonerated the petitioner and the other co-accused. He further submitted that as far as the present petitioner is concerned, he is not at parity with the aforesaid co-accused, namely, Baggar Singh, who is his father because he was 70 years of age.

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

5. The petitioner is stated to be in custody for the last about 5 months and it is a case where earlier after the death of the deceased, inquest proceedings were initiated under Section 174 Cr.P.C. because the police had found that it was not a case of any criminal offence but the death had occurred because of over drinking by the deceased. Thereafter, on the basis of criminal complaint made by the complainant, the present petitioner was summoned. Be that as it may, now the petitioner has already faced incarceration for about 5 months and he is not involved in any other case and has clean antecedents, therefore this Court deems it fit and proper to grant the concession of regular bail to the petitioner.

6. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

8. It is made clear that in case the petitioner violates any of the conditions of the bail at any point of time, then not only the State but also the complainant shall be at liberty to file an appropriate application before this Court for cancellation of bail.

25.08.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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