

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

106+210

CRM-M-52682 of 2021 (O&M)

Date of Decision:27.07.2023

Gurdeep Singh @ Kala

....Petitioner

Versus

State of Punjab

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. G. S. Simble, Advocate,
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab

Mr. Vipin Mahajan, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

CRM-29675-2023

Vide this application, the applicant-petitioner is seeking permission to place on record the statement of PW-12 ASI Kewal Singh as Annexure P-6.

For the reasons mentioned in the application, the same is allowed and the statement of PW-12 ASI Kewal Singh is taken on record as Annexure P-6 subject to all just exceptions.

Main case

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 FIR No.240 dated 24.06.2020, under Sections 302, 120-B of the IPC, registered at Police Station Civil Lines Batala, Police District Batala, District Gurdaspur.

2. Learned counsel for the petitioner submitted that the petitioner is in custody for about three years and one month and the entire prosecution case is based upon suspicion. He submitted that the trial of the case is going at slow pace and even one of the prosecution witnesses, namely, Lovepreet Singh has been given up by the prosecution being won over by the petitioner. He further submitted that considering the custody period of the petitioner, he may be considered for the grant of regular bail.

3. On the other hand, Mr. Sarabjit Singh Cheema, learned DAG, Punjab has stated that in the present case out of 23 cited prosecution witnesses 16 have been examined and the trial is at fag end. He further submitted that there is a strong apprehension that in case the petitioner is released on bail, then he may abscond from justice or he may influence the witnesses. He submitted that one prosecution witness, namely, Lovepreet Singh was won over by the petitioner. Learned State also submitted that even as per the FIR itself, the deceased had died due to a *Kritch* blow given by the petitioner upon him as stated by him to the complainant.

4. Mr. Vipin Mahajan, learned counsel appearing on behalf of the complainant has submitted that one of the material witnesses, namely, Lovepreet Singh has been won over by the petitioner and there is every likelihood that in case the petitioner is released on bail, then he may abscond from justice or influence the witnesses.

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

6. This Court had number of times sought the report from the concerned Court pertaining to the status of the trial and has also directed that the trial be expedited. In the latest report filed by the concerned Court, it has been so stated that now 16 prosecution witnesses have been examined out of total 23 cited

prosecution witnesses and now the case is fixed for 10.08.2023 for the remaining prosecution witnesses. In the report it has also been stated by the concerned Court that strenuous efforts will be made to examine the remaining prosecution witnesses at the earliest and therefore it cannot be said that the trial is now moving at slow pace.

7. In view of the aforesaid position and the stage of the trial, this Court does not deem it fit and proper to grant bail to the petitioner. Consequently, finding no merit in the present petition, the same is dismissed.

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

(JASGURPREET SINGH PURI)
JUDGE

July 27, 2023

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