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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51342-2023 (O&M)
Date of decision: 12.12.2023

GURDEEP SINGH

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Ranjit Singh Sidhu, Advocate for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, 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 FIR No.155 dated 07.08.2021, under Sections 364 and 34 of the IPC (Sections 302 and 201 of the IPC added later on), registered at Police Station Bhawanigarh, District Sangrur, Punjab.

2. Learned counsel for the petitioner submitted that the petitioner is in custody for about 2 years and 4 months and now all the material witnesses have been examined. He further submitted that the petitioner is not involved in any other case and has clean antecedents and as per the prosecution story, the main accused is Arshdeep Singh, who is a co-accused and who was a juvenile at the time of alleged incident but he has since been acquitted by the learned Juvenile Justice Board, Sangrur vide judgment dated 21.08.2023. He also submitted that the allegations in the present case are that the aforesaid Arshdeep Singh along

with other co-accused kidnapped the deceased and beaten him up as the sister of the aforesaid Arshdeep Singh was having illicit relationship with the deceased and so far as the present petitioner is concerned, he was not even named in the FIR and thereafter, he was nominated on the basis of suspicion only and therefore, he may be considered for grant of regular bail.

3. On the other hand, Mr. Gurdarshan Singh Sidhu, AAG, Punjab submitted that it is correct that the petitioner is in custody for about 2 years and 4 months and other co-accused, namely, Arshdeep Singh, who was a juvenile at the time of the incident, qua whom the motive was also there has since been acquitted by the learned Juvenile Justice Board, Sangrur vide judgment dated 21.08.2023. So far as the antecedents of the petitioner are concerned, he submitted that he is not involved in any other case.

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

5. On the last date of hearing, this Court had called for the report from the concerned learned Trial Judge with regard to the stage of the trial. A report has now been received from the learned Trial Judge, Sangrur, wherein it has been so stated that there are total 22 prosecution witnesses as per the list of witnesses and out of them, 7 material witnesses have been examined including the complainant, namely, Makhan Singh. It has been further stated in the report that some of the witnesses, namely, Naib Singh Panch, ASI Harmesh Singh, PHG Jaspal Singh, Constable Harmanpreet Singh, ASI Balwinder Singh, Leela Singh, concerned Clerk of RTA office Amloh, Gurpreet Singh Randhawa and SI Gurpreet Singh, who were also cited as witnesses have been given up by the prosecution and now only 6 witnesses are remaining.

6. The petitioner is in custody for about 2 years and 4 months and he is stated to be not involved in any other case and is not named in the FIR. The primary allegations appear to be against aforesaid Arshdeep Singh against whom allegations were that he along with other co-accused kidnapped the deceased and beaten him up as his sister was having illicit relationship with the deceased and aforesaid Arshdeep Singh has since been acquitted by the learned Juvenile Justice Board, Sangrur vide judgment dated 21.08.2023. Furthermore, it is not the case of the learned State counsel that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

7. Therefore, considering the aforesaid totality and circumstances of the present case and also the stage of the trial, this Court deems it fit and proper to grant regular bail to the petitioner.

8. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

9. 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.

10. Miscellaneous applications, if any, shall also stand disposed of since the main case has been decided.

(JASGURPREET SINGH PURI)
JUDGE

12.12.2023
Chetan Thakur

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