

CRM-M-59084-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-59084-2022

Date of decision: 16.08.2023

Gurpreet Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Harmanpreet Sehgal, Advocate,
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

1. Through this second petition, the petitioner seeks regular bail in case FIR No.95 dated 03.11.2019, registered at Police Station Joga, District Mansa, under Sections 302 and 34 IPC.

2. The above noted-FIR was registered on the statement of Suman Devi widow of deceased-Subhash Chand. As per the prosecution version, husband of the complainant was running a grocery shop; that shop of Sanjeev Kumar, brother-in-law of the complainant was situated in the house of the petitioner; that on 02.11.2019, when the complainant visited the shop of her husband, she found that Ishwar Chand, his sons-Anil Kumar and Sunil Kumar, Sikander Singh, Lovepreet Singh and Gurpreet Singh (petitioner) were scuffling with each other; that Lovepreet Singh picked up the sieve meant for frying the 'Pakorras' from a pan and had attacked upon Anil Goyal; that when Subhash Chand and Ishwar Chand came forward, the petitioner had given a dang blow on the back of neck

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region of Subhash Chand, who had succumbed to the injuries subsequently.

3. Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case, being owner of a shop; that complainant-Suman Devi and Ishwar Chand have already been examined, and that during her cross-examination, PW 1 Suman Devi stated that the petitioner had no dispute either with Ishwar or Sanjeev qua their customers and business. It is further submitted that out of 19 prosecution witnesses, 05 witnesses have been examined and that co-accused, namely, Sanjeev and Lovepreet have since been granted the concession of bail.

4. On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that as per the allegations, the petitioner brought a dang from his house and had caused injury on the back of neck region of Subhash Chand, pursuant to which he fell on the ground and subsequently had succumbed to the injuries. He further submits that the prosecution witnesses are yet to be examined.

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

6. Though a specific injury on the person of the deceased, has been attributed to the petitioner, yet the fact remains that he has been in custody for the last more than 03 years and 09 months and that out of 19 prosecution witnesses, 05 witnesses, including the complainant, have been examined. Trial of the case would take time to conclude. As stated above, co-accused, namely, Sanjeev and Lovepreet have since been granted the concession of bail. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

7. In view of the above, without commenting anything on the

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merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

16.08.2023
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No