



228

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-1601-2024 (O&M)
Date of decision: 02.12.2024**

Gurmehak Deep Singh @ Gurmehak Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Sarabjit Singh Cheema, Advocate and
Mr. Tejbir Singh Hundal, Advocate
for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

KULDEEP TIWARI, J. (ORAL)

1. This is the first petition preferred by the petitioner, under Section 439 Cr.P.C., making a prayer for grant of regular bail in case FIR No.153 dated 27.06.2023, under Sections 302, 120-B, 201 IPC and Sections 25, 27, 54, 59 of Arms Act, 1959, registered at Police Station Jandiala, District Amritsar Rural. The petitioner was arrested in this case on 27.06.2023 and till then he is behind bars.

2. The prosecution set into motion, in the instant case, on a complaint made by Jodhbir Singh son of Sukhdev Singh, wherein he, alleged that one Kanwaljit Singh, who is brother-in-law of deceased Gursewak Singh informed him that some unknown person has caused fire arm injury to deceased Gursewak Singh. When they were riding on a



motorcycle. The relevant extract of the FIR reads as under :-

“Statement of Jodhbir Singh son of Sukhdev Singh, resident of Village Bhai Laddu Police Station Patti Sadar, District Tarn Taran aged 24 years Mobile No.7696086502, stated that I am the resident of the said address and is an agriculturist by occupation and we are three brother sister, out of them one sister named Mandeep Kaur who has been married to Kanwaljit Singh son of Hardev Singh resident of Thathian about 4 years ago and younger brother Gursewak Singh aged 24 years is in the army from the last 3 years and on dated 17.05.2023 he came on vacations which yesterday on dated 26.06.2023 from the house went to meet his sister on motorcycle at Village Thathian. At about 12 0 clock in the night my brother-in-law Kanwaljit Singh son of Hardev Singh resident of Thathian called me on phone and told that I and Gursewak Singh, Akashdeep Singh, Gurmehakdeep Singh sons of Dharminder Singh, Mnapreet Singh son of Major Singh, Sandeep Singh son of Unknown, resident of Thathian had gone to Jandiala for eating. At about 9:30 PM, when we were coming back on three motorcycles towards Village Thathian, I and Akashdeep were in front, behind us were Romanpreet Singh and Sandeep Singh and Gurmehak Singh and Gursewak Singh were at last. When we reached near the petrol pump of Village Janiyan, two youngsters came on a motorcycle from behind and shot Gursewak Singh. After hearing this, I told about this to my family members and relatives and told my brother-in-law Kanwaljit Singh that we are coming along with family members and relatives and take him to hospital.”

3. After the occurrence, the injured was shifted to the hospital, where he was declared brought dead. The next day i.e. 27.06.2023 the instant FIR was registered, and on the same day, Kanwaljit Singh, Sandeep



Singh, Romanpreet Singh and Akashdeep Singh were arrested on 27.06.2023. During the course of investigation one of the main accused, Kanwaljit Singh suffered a disclosure statement, disclosing therein that his brother-in-law Gursewak Singh, had come to his house on dated 26.06.2023, and he along with Gursewak Singh, Akashdeep Singh, Gurmehakdeep Singh (petitioner), Romanpreet Singh and Sandeep Singh had gone to Jandiala for consuming liquor. He further disclosed that he had taken a Rs. 50,000/- from Gursewak Singh, and he (Gursewak Singh), used to demand his money back from him due to which he had verbal altercation with Gursewak Singh number of times. Thereafter, on dated 26.06.2023, Gursewak Singh again demanded his money, and they entered into heated arguments, which turned into a scuffle, and he exhorted Sandeep Singh to shoot Gursewak Singh, and thereafter, Sandeep Singh fired two shots from his pistol at Gursewak Singh. He also disclosed that, thereafter, the petitioner, Akashdeep Singh, Romanpreet Singh and Sandeep Singh fled away from the spot and he informed his brother-in-law Jodhbir Singh on phone by concocting a story that some unknown persons had shot dead Gursewak Singh.

4. The petitioner also reiterated the same version during investigation. In this case, the weapon of offence was not recovered, which compelled the prosecution to invoke Section 201 IPC. The prosecution has also recorded the statement of one Manjit Singh on dated 30.06.2023, wherein, he disclosed that on the date of occurrence, when he was going to Jandiala Guru, for some personal work, he saw Gursewak Singh arguing



with his brother-in-law Kanwaljit Singh, Sandeep Singh and three unidentified persons, and Sandeep Singh was arrested while armed with a pistol at that time. He in addition alleged that he saw in the street light that Sandeep Singh had fired shots from his pistol at Gursewak Singh, and thereupon, he fell on the ground and thereafter co-accused Sandeep Singh along with three unidentified person fled away from the spot, and later on, he came to know that Gursewak Singh had died.

5. The next submission of learned counsel for the petitioner while asking for the relief (*supra*) submitted that apart from disclosure statement there is no incriminating evidence with the prosecution to connect the petitioner with the present crime. Learned counsel for the petitioner further submits that even if we go by the alleged eye witness account, no role whatsoever, is attributed to the present petitioner except being present on the spot. It is the Kanwaljit Singh who exhorted to Sandeep Singh to open fire, and Sandeep Singh is the one, who had fired shots from his pistol at Gursewak Singh.

6. He over and above submits that the petitioner has clean antecedents and suffered incarceration more than 01 year and 05 months as on today, and till date only two witnesses have been examined, out of the total 18 witnesses cited by the prosecution.

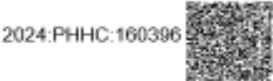
7. The submissions made by learned counsel for the petitioner have been vehemently opposed by learned State counsel. She draws the attention of this Court to towards the statement of one Manjit Singh, who as per the prosecution, is eye witness to the occurrence, to submit that the



petitioner was present at the time when the instant occurrence took place between the complainant, and his brother-in-law Kanwaljit Singh (co-accused). Therefore, he is one of the conspirators, and do not deserve the relief of regular bail. She also placed on record the custody certificate qua the petitioner, the same is taken on record. After having instructions from the quarter concerned, she informs that investigation in the instant case has been concluded, and thereafter, the final report was filed on dated 25.09.2023. Thereupon, the charges has been framed by the trial Court on dated 17.11.2023 and till date, the prosecution has examined only two witnesses out of 18 witnesses cited in the final report by the prosecution.

8. This Court has considered the rival submissions made by the parties concerned, and has gone through the entire record.

9. In this case as per the allegations of the prosecution, the petitioner is alleged to be present on the spot, and no overt act is attributed to him. He has suffered incarceration about 01 year and 05 months and is not involved in any other criminal case. Till date the prosecution is only able to examine two witnesses. Therefore, considering the snale pace of trial, the role attributed to the petitioner and the fact that he is the first time offender, and days of incraceration suffered by the petitioner, this Court deems it appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty



Magistrate.

10. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

02.12.2024
Satyawan

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No