

CRM-M-2025-2023

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

**CRM-M-2025-2023
Decided on:-06.02.2024**

Gurjeet Singh @ GaggiPetitioner..

vs.

State of PunjabRespondent.

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Karanjeet Singh Brar, Advocate,
for the petitioner.

Mr. Shubham Kaushik, AAG, Punjab.

Mr. Parminder Singh-II, Advocate,
for the complainant.

HARKESH MANUJA J. (Oral)

1. By way of present second petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail pending trial, in case bearing FIR No.22, dated 17.02.2020 registered under Sections 302, 34 IPC and Section 27 of the Arms Act, 1959, at Police Station Maur, District Bathinda.
2. Learned counsel for the petitioner submits that the petitioner has been implicated against the allegations of having done to death the victim namely, Taranpal Singh by giving a fire arm shot towards the left side of his chest.
3. The prayer made on behalf of the petitioner has been opposed at the instance of learned State counsel assisted by learned counsel representing the complainant while submitting that it is an eye-witness

account, which has been duly supported by the prosecution witnesses including the complainant, who appeared as PW-1.

4. I have heard learned counsel for the parties and gone through the paper book and find substance in the submissions made on behalf of the petitioner.

5. In the present case, the investigation already stands concluded with the filing of challan, followed by framing of charges with 06 of the prosecution witnesses already examined including the complainant. The petitioner has already suffered incarceration for a period of 03 years & 09 months and delay in the trial is in fact defeating the rights of the petitioner as that of speedy trial, specified under Article 21 of the Constitution of India, as around 17 of the prosecution witnesses are yet to be examined and the petitioner is not involved in any other case, besides it, there being no apprehension expressed by the prosecution and the complainant of having extended any kind of threat to the complainant-party or any other witness, from the petitioner. Thus, considering the aforesaid facts, I do not find any justification to extend the incarceration of the petitioner.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on her furnishing adequate bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

7. It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

06.02.2024
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(HARKESH MANUJA)
JUDGE

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