



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

208

CRM-M-5525-2024  
Date of Decision : **October 25, 2024**

GURPREET @ GOLU @ GORA

.....Petitioner

**VERSUS**

STATE OF PUNJAB

.....Respondent

**CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present : Mr. Akbarjit Singh, Advocate  
for the petitioner (through VC).

Mr. Sahil R. Bakshi, AAG, Punjab.

**KULDEEP TIWARI, J. (Oral)**

1. Through the instant petition filed under Section 439 of Cr.P.C., the petitioner prays for grant of regular bail in case FIR No.0057 dated 21.7.2022, Under Section 302, 34 IPC, registered at Police Station Sadar Phagwara, District Kapurthala.
2. The instant FIR has been registered on the statement made by one Dilbagh Ram son of Chain Ramn. The relevant extract of the FIR reads as under:-

*“I am the resident of above address and I am doing homely work. My younger brother Ramesh Lal’s house is adjacent to mine, Ramesh Lal and his wife Krishna Devi had expired long ago. Ramesh Lal was left with four children, one female child namely Kulwinder Kaur, who had also died and second female child Sunita Devi wife of Manga resident of Mohalla Satnampura Phagwara, one male child namely Kamal Kumar settled in Dubai and second male child namely*



*Paramjit Kumar @Pamma aged about 34- 35 years who was a simpleton. He used to work at Dana Mandi as dupatta dyer. He used to live alone at his house and he used to do his homely work himself. On 18.07.2022 at about 09:00 AM he met me at the street in front of his house and I inquired from him that he has not gone for his work today to which he replied that his brother Kamal Kumar had sent money to him and he is to go to collect the same. Thereafter, Paramjit Kumar alongwith his elder paternal uncle's son Ravi son of Ram Lubhaya resident of Bhulari went to Punjab Gramin Bank, Bhulari and withdrew Rs.21000/- Thereafter, during the late evening hours at about 08:30 PM when I was sitting at my bother Pardeep Kumar's son of Kehar Singh atta chakki which is adjacent to my house on the main road, when I saw Paramjit Kumar walking towards his home along with Amanpreet @ Aman son of Madan Lal resident of Bhulari Colony. Thereafter, Paramjit Kumar was not seen. Today on 21.07.2022, in the afternoon bad smells started to come from Paramjit Singh's house thereafter I along with my brother Pardeep Kumar in the presence of other family members broke the lock of the gate and entered Paramjit's house and saw that door of Paramjit Singh's room was open and Paramjit Singh's dead body was lying on the floor adjacent to the bed and his blood was spilled and there were injuries on his head. The dead body was deteriorated. I am completely confident that my nephew Paramjit Kumar murder is committed by Amanpreet @ Aman for money as he used to be with him most of time. Appropriate legal action may kindly be taken against him."*

3. Thereafter the investigation was conducted and the main accused Amanpreet @ Aman was arrested on 22.7.2022. During investigation, he disclosed that he, present petitioner and deceased Paramjeet Singh were friends and they used to sit at the house of deceased, as he was living alone. Earlier they all were bachelors, but after some time, Amanpreet @ Aman, (co-accused) got married. They all used to consume liquor and smoking in the said house. After the marriage, deceased-Paramjeet Singh was making an objectionable offer to Amanpreet @ Aman regarding his wife and due to this reason, Amanpreet @ Aman became angry and he made a

plan with the present petitioner to kill Paramjeet Singh and on dated 18.7.2022 at about 8.30/9.00 p.m. Amanpreet @ Aman alongwith present petitioner went to the house of Paramjeet Singh, where Amanpreet @ Aman inflicted knife blow upon the deceased and the present petitioner also inflicted blow through his iron bangle (karra) upon the deceased. On the basis of said disclosure statement of co-accused, the present petitioner was also arrested on the same day i.e. 22.7.2022.

4. Learned counsel for the petitioner in the asking for the relief (supra), submits that there is no inculpatory evidence with the prosecution to connect him with the present crime, except the disclosure statement suffered by the co-accused. He further submits that no recovery whatsoever, has been effected from the present petitioner. He also submits that the petitioner has suffered incarceration of more than 2 years as on today and only two witnesses out of total 17 cited prosecution witnesses have been examined so far. He also submits that the petitioner is a man of clean antecedents, as he is not involved in any other criminal case. Finally, he submits that there is no motive attributed to the present petitioner, as the motive is attributed to main accused Amanpreet @ Aman.

5. The learned State counsel has opposed the grant of relief of regular bail to the petitioner on the ground that in the disclosure statement there are specific allegations against the present petitioner that he gave an iron bangle blow on the head of the deceased.

6. This Court has considered the rival submissions made by the learned counsel for the parties concerned and is of the view that the present petition deserves to be **allowed** for the reasons that:-



i) the petitioner has suffered incarceration of about 2 years 2 months as on today and only 2 witnesses out of total 17 cited prosecution witnesses have been examined so far and; ii) whether the disclosure statements of the petitioner himself, which led to recovery of nothing and that of co-accused, are a legally admissible piece of evidence, is a moot question of law and facts. Same is to be decided by the learned trial Court concerned at an appropriate stage.

7. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

8. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

October 25, 2024  
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(KULDEEP TIWARI)  
JUDGE

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