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

**CRM-M-3719 of 2024**
**Reserved on: 11.03.2024**
**Pronounced on: 13.03.2024**

**Gurdeep Singh** **.....Petitioner**

**Vs.**

**State of Punjab** **.....Respondent**

**CORAM: - HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present: - Mr. Naveen Kumar Mahajan, Advocate and
Mr. Vaibhav Narang, Advocate for the petitioner.
Mr. Amandeep Singh, DAG, Punjab.

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**DEEPAK GUPTA, J. (Oral)**

By way of this petition filed under Section 439 Cr.P.C., petitioner has prayed for grant of regular bail in case FIR No.44 dated 27.02.2023 registered at Police Station Gate Hakima, District Amritsar under Sections 302, 323, 336, 148, 149 IPC (at the time of framing charge, Section 324 IPC has been added and charges under Sections 25 and 27 of Arms Act, 1959 not framed).

2. FIR was lodged on the statement of Sukhwinder Singh, resident of House No.6873/22, Wariyam Singh Colony Chabal Road Amritsar, as per which, a family function was going on at his home on 26.02.2023, when at about 10:30/11.00 PM, co-accused Pratham, Gurdeep Singh *(present petitioner),* Ajay, Sujal, Harpreet Singh @ Poppy and Shera came out of their cars and there was some exchange of words regarding parking of the vehicles. Complainant and his brother Balwinder Singh @ Ballu came out of home stating that they will remove the bike. However, Pratham and his associates and their accomplices brought baseball bats and sharp pointed weapons from their cars, at which complainant and his brother entered their house. It was alleged that above-said assailants dragged Sonu and Balwinder Singh out of the house. They also called their other

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accomplices, namely, Vijay Bhuji and 4-5 unknown persons, who started manhandling Sonu and Balwinder. Pratham, Ajay and Sujal brought glass bottles from their cars. Their neighbour, namely, Hitesh Kumar came forward to rescue but Vijay Bhuji gave baseball bat blow on backside of his head. Other assailants Pratham, Ajay and Sujal also started hitting bottles on head of Balwinder alias Ballu, who was drenched in pool of blood and fell down. On raising alarm, assailant fled away. Balwinder was taken to the hospital but was declared brought dead.

3. On above statement, FIR was registered. During investigation, supplementary statement was made by the complainant on 06.05.2023 disclosing that Karan Gill @ Pandit and one Vivek Kumar @ Vivek Bhandari were also present with the assailants at the spot.

4. After conclusion of investigation, final report under Section 173 Cr.P.C has been filed against accused Pratham, petitioner – Gurdeep Singh, Sujjal, Karan Gill @ Pandit and Vivek Kumar @ Vivek Bhandari, who were arrested from time to time. Charges have been framed on 13.12.2023 by the trial Court though none of the prosecution witnesses have been examined so far.

5. It is contended by learned counsel for the petitioner that the petitioner has been falsely implicated. By drawing attention towards the contents of the FIR, it is argued that though presence of the petitioner is shown at the spot, when there was initial exchange of words regarding parking of the vehicles but neither petitioner did participate in the further occurrence nor any injury whatsoever is attributed to him. Learned counsel further contends that co-accused Karan Gill @ Pandit and Vivek Kumar @ Vivek Bhandari have been allowed the benefit of regular bail by this Court vide order dated 26.09.2023 passed in CRM-M-37743 of 2023 (Annexure P.3); and order dated 19.12.2023 passed in CRM-M-53032 of 2023 (Annexure P.4). Learned counsel further contends that the petitioner is in

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custody for the last 11 months and 24 days with no other criminal case pending against him and that trial may take time to conclude and so, in all these circumstances, he be allowed bail.

6. Learned State Counsel has opposed the bail petition by submitting that the petitioner along with co-accused committed the crime resulting in death of Balwinder Singh; that petitioner is duly named in the FIR; that material witnesses are yet to be examined and, so, bail petition of the petitioner be dismissed.

7. I have considered the submissions of both the sides and perused the record.

8. Perusal of the FIR would reveal that the petitioner is stated to be present at the time of initial occurrence, which took place on 26.02.2023 at about 10:30/11:00 PM, when there was an exchange of words between the two parties regarding the parking of the vehicles. However, in the later part of the occurrence, no role whatsoever of the petitioner is disclosed to either have participated in the crime or to have caused any injury to the deceased or any other injured. Co-accused Karan Gill @ Pandit and Vivek Kumar alias Vivek Bhandari have already been allowed bail by this Court vide Annexures P.3 and P.4. Petitioner is in custody for the last 11 months and 24 days as per the custody certificate, with no other criminal case pending against him. Trial may take time to conclude, as not even a single witness has been examined so far.

9. Having regard to the afore-said facts and circumstances of this case, but without commenting anything on the merits of the case, the present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate, on usual terms and conditions.

**March 13, 2024** **(DEEPAK GUPTA)**
**renu** **JUDGE**

Whether Speaking/reasoned Yes/No
Whether Reportable Yes/No

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