



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

109

CRM-M-10799-02024

Date of Decision : **September 06, 2024**

NEETU

.....Petitioner

***VERSUS***

STATE OF PUNJAB

.....Respondent

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

Present : Mr. Dhiraj Jindal, Advocate  
for the petitioner.

Mr. Pardeep Bajaj, DAG, Punjab.

**KULDEEP TIWARI, J.**

1. This is the third petition filed under Section 439 Cr.P.C. the petitioner prays for grant of regular bail in case FIR No.149 dated 7.9.2017, Under Sections 302, 450, 460, 34, 201 IPC, registered at Police Station Dirba, District Sangrur, as the earlier two petitions were dismissed by a co-ordinate Bench of this Court vide orders dated 31.1.2020 and 13.1.2023 respectively.

2. In the instant case, the prosecution agency was set into motion on a complaint made by one Kewal Gupta on the allegations that on 6/7.9.2017 some unknown persons had entered into the shop of Mohan Gutpa and killed him by cutting his neck from the right side, with the sharp edged weapon. On the basis of the above statement of Kewal Gupta, the

instant FIR was registered. Thereupon on dated 26.9.2017, Bishnu Gutpa father of deceased Mohan Gutpa, got recorded his statement under Section 161 Cr.P.C., wherein, he alleged that on a secret inquiry, he came to know that Sonu Khan and Neetu (present petitioner), had killed his son. The relevant extract of the statement reads as under:-

*“On 26.09.2017, Bishnu Gupta (father of deceased Mohan gupta) S/o Ram Ji Shah Gupta, caste, Bania, r/o Barisakh, P.S, Dev Sarai, District Begusarai (Bihar) made statement under section 161 Cr.P.C. before the S.H.O., P.S. Dirba-Investigating Officer that, "I am a resident of the address given above. I have been selling and buying scrap for the last three years in the rented house of Labh Singh son of Hazura Singh, cate Prajapat, Resident of Ward No. 10, Bhogi Patti, Dirba. My son Mohan Singh aged 18 was also working with me. In the intervening night of 06/7.09.2017, I had gone to my village in Bihar. In the intervening night of 06/07.09.2017, my son was sleeping alone in our shop. We often kept the back door open for ventilation and slept. In the middle of the night of 06/ 07.09.2017, my son Mohan Gupta was killed by cutting his neck from the right side by some unknown person/persons. After the last rites of my son's body, I came to Dirba and made a secret inquiry at my own level and I was told by a well known person that, Sonu Khan son of Chhotu Khan, caste Bharai Muslim, resident of Dirba and Neetu son of Desh Raj, caste, Lavari, resident of Ward No. 10, Dirba broke into our shop at night and killed my son Mohan Gupta by cutting his neck with a sharp weapon. The neck on the right was cut with a very deep and sharp weapon. The accused fled after killing my son in the lure of money boxes of our shop, my son's purse, mobile phone brand Itel, gas cylinder and Rs.1,12,000/-. My son Mohan Gupta took this money from Sham Kumar son of Prabhdial, caste Khatri Arora, resident of Patran Road, Dirba in lieu of selling scrap. Legal action should be taken against above A said culprits."*



3. On the basis of the above statement, the present petitioner was arrested on dated 26.9.2017 and on his disclosure statement, one mobile phone of deceased Mohan Gupta, which was identified by the father of the deceased, was recovered. The recovery of stolen money could not be effected as the accused had spent the same, therefore, offence under Section 201 IPC was added on 29.9.2017.

4. Learned counsel for the petitioner in the asking for the relief (supra), submits that the earlier bail applications regarding the relief of regular bail were dismissed by a co-ordinate Bench of this Court, with the direction upon the learned trial Court concerned to expedite the trial, however, till date the prosecution is unable to complete the examination of the witnesses, whereas, the petitioner has suffered incarceration of about 7 years. He further submits that he has infact clean antecedents and only one other case was registered against him that too under the Prison Act. He also submits that co-accused Sonu Khan, who was on co-pedestal, has already been granted the relief of regular bail by a co-ordinate Bench of this Court vide order dated 3.9.2019 passed in CRM-M-231-2019 (Annexure P-3). He in addition submits that Bishnu Gutpa, father of the deceased, and complainant Kewal Gupta PW3 and PW7, respectively, have not supported the case of the prosecution, therefore, there is nothing as of today with the prosecution to keep the petitioner behind the bars.

5. The submissions made by the learned counsel for the petitioner have been opposed by the learned State counsel, who has filed reply dated 4.9.2024 by way of an affidavit of Prithvi Singh, PPS, Deputy

Superintendent of Police, Sub-Division, Dirba, District Sangrur as well as custody certificate *qua* the petitioner today in the Court, the same are taken on record. He submits that the petitioner alongwith Sonu Khan for the purpose of robbery, committed the murder of deceased, therefore, he is not entitled for the relief of regular bail. He further informs this Court on instructions imparted to him by ASI Mahipal Singh that, in the instant case the final report was submitted way back on dated 22.12.2017, the charges were framed on dated 12.3.2018 and as on date 10 witnesses have been examined by the prosecution out of total 18 cited witnesses in the final report.

6. This Court has examined the rival submissions made by the learned counsel for the parties concerned and is of the view that the instant petition is amenable to be allowed for the reasons extracted hereinafter:-

***i) The petitioner has suffered incarceration of 6 years, 11 months and 5 days as on date and he is involved in one other case, which is under the Prison Act;***

***ii) The prosecution case has only travelled upto mid way; and***

***iii) The complainant and the father of the deceased, have already turned hostile.***

7. In view of the above facts and circumstances and considering the stage of the trial, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed.**

8. 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.



9.           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.

September 06, 2024  
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(KULDEEP TIWARI)  
JUDGE

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