

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

**CRM-M No. 15652 of 2024 (O&M)
Date of Decision: 10.04.2024**

Gorakhnath alias Gora

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Preetinder S. Ahluwalia, Advocate,
for the petitioner.

Mr. Siddharath Sandhu, Assistant Advocate General, Punjab

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition filed under Section 439 Cr.P.C., seeks grant of regular bail pending trial in case bearing FIR No.154, dated 27.11.2021, under Sections 302, 120-B & 201 of the Indian Penal Code, registered at Police Station Bhadson, District Patiala, wherein, he has been implicated against the allegations of having committed murder of one Amarjit Kaur (deceased).

[2] Learned State counsel vehemently opposes the prayer made on behalf of the petitioner, while submitting that the involvement of the petitioner was *prima facie* established during investigation from the recovery of ATM Card, blood stained bamboo stick and ashes of burnt clothes used by him in the incident. He further submits that both the material witnesses namely Harpreet Singh Gill-complainant (PW-3) and his maternal uncle namely Bhupinder Singh (PW-7) have reiterated the involvement of the

petitioner in the incident and thus, he does not deserve the concession of bail.

[3] I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made by learned counsel for the petitioner.

[4] In the present case, investigation stands concluded with the filing of challan followed by framing of charges and the petitioner is behind the bars since 07.12.2021, i.e. for the past about two years and four months by now. The trial is likely to take some time as 19 out of total of 26 witnesses cited by prosecution are yet to be examined and the petitioner is not involved in any other case under the provisions of IPC. Also, similarly placed two other co-accused, namely, Dimple and Pushpinderpal, have already been granted the concession of regular bail by this Court vide two separate orders dated 22.02.2024 passed in CRM-M-49413-2023 & CRM-M-20080-2023, which are annexed as Annexure P-6 & P-7 respectively. Moreover, no recovery has been effected from the petitioner so as to connect him with the offence in question. Besides, there has been material non-explanation of presence of Paramjeet Singh i.e. *Taya* of complainant-elder brother-in-law of the deceased being present in the house on the date of the incident though being there in the house, therefore, in the totality of the aforesaid facts and circumstances and also when, no apprehension has been expressed by the prosecution about any kind of threat being extended to the witnesses, this Court does not find justification to extend the incarceration of the petitioner any further.

[5] In view of the above, but without commenting upon merits of the present petition, the same is allowed. The petitioner is ordered to be released on bail subject to his furnishing adequate bail bonds / surety bonds to the satisfaction of the Trial Court/Illaq Magistrate/Duty Magistrate concerned.

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

April 10, 2024

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**(HARKESH MANUJA)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>