



CRM-M-18867-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(222)

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Date of Decision : 23.10.2024

Gurdeep Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Harpal Singh Sidhu, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

Mr. Buta Singh Bairagi, Advocate
for the complainant.

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.71 dated 19.09.2023, under Sections 302, 120-B, 212 of the IPC, 1860, and under Sections 25 and 27 of the Arms Act, 1959, registered at Police Station Mehna, District Moga, Punjab.

2. In the instant case, the prosecution agency was set into motion, on a complaint made by one Karamjeet Kaur @ Navdeep Kaur Gill, wherein, she alleged that two unknown persons, had entered into her house and fired gun shots, which hit her husband-Baljinder Singh, and consequently, he succumbed to the injuries. She further alleged that when she was taking her injured husband to the hospital, her injured husband in front of some other

persons, told her that the assailants were sent by Sukhvir Singh @ Seera,

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Hardeep Singh @ Deepu, Jagjit Singh @ Jagga and Gurcharan Singh @ Sidhu. On the basis of the above, the FIR (supra), was registered against the abovenamed persons.

3. In the instant case, the investigation was carried out by the Special Investigating Team (SIT), and a total of 15 persons were found to be involved in the commission of the instant crime, and out of these, 09 persons have already been arrested, and six persons are on the run. The petitioner was arrested on 26.09.2023, in the instant case, and charges were framed on dated 31.07.2024.

4. Learned counsel for the petitioner submits that the only allegation against the present petitioner is that he harboured the main accused. He further submits that there is no allegation that the petitioner was either part of the conspiracy for committing the murder of the deceased, or actively participated in the crime. He also submits that the petitioner has suffered incarceration of about 01 year and 17 days, as on date, and till date, the trial is at the initial stage. Finally, he submits that the petitioner is not involved in any other case, and has clean antecedents.

5. Learned counsel for the State, assisted with learned counsel for the complainant has opposed the grant of relief of regular bail to the petitioner. He further submits that not only the petitioner harboured the main accused, but also helped in concealing the weapon of offence, and therefore, the petitioner is not entitled for the asked for relief.

6. Learned State counsel, has also placed on record the custody certificate dated 22.10.2024, qua the petitioner, today in the Court. The same is taken on the record.



7. In the instant case, investigation was completed on 25.09.2023. A secret information was received that Gurdip Singh, Parminder Singh and Sukhchain Singh, are providing the shelter to the accused, who has committed the murder of Baljinder Singh @ Bali, the Numberdar, and thereupon, DDR No.33, dated 25.09.2023 was registered, and thereafter, the petitioner was arrested on dated 26.09.2023, and one car was recovered during the investigation. One of the accused Sukhchain Singh, who is also an accused of harbouring the main accused, has suffered a disclosure statement and in pursuance of his disclosure statement, he got recovered one country made pistol, which was handed over to the present petitioner. The pistol, which was recovered, was stated to be not in working condition.

8. This Court has heard 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 hereinafter extracted :-

(i) It is not in dispute that the only allegation against the present petitioner is harbouring the main accused, and helping the accused to conceal the weapon of offence, which as per the prosecution was used in the crime;

(ii) The petitioner has suffered incarceration of about 01 year and 17 days, as on today;

(iii) The trial is at the initial stage, in the instant matter, as no prosecution witness has been examined so far whereas, the prosecution has cited total 25 witnesses;

(iv) Further the petitioner has clean antecedents and he is not involved in any other case.

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9. In view of the above, the instant petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/trial Court/Duty Magistrate, concerned.
10. However, anything observed hereinabove shall have no effect on the merits of the case and is meant for deciding the present petition only.

(KULDEEP TIWARI)
JUDGE

October 23, 2024
Manpreet

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