

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-20986-2023
Reserved on: 01.03.2024
Pronounced on:21.03.2024

GURDEEP SINGH @ DEEPA... Petitioner

Versus

STATE OF PUNJAB... Respondent

Present:- Mr. Navkiran Singh, Advocate for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

Mr. Prashant Vashisht, Advocate for the complainant.

SANJIV BERRY, J.

1. Custody certificate dated 29.02.2024 filed by learned State counsel is taken on record, copy thereof has been supplied to the counsel opposite.
2. By way of present petition filed under Section 439 Cr.P.C, the petitioner seeks regular bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
70	29.09.2021	451, 323 and 506 of IPC and Section 302 of IPC added later on.	Patara, District Jalandhar Rural.

3. Brief facts of the case are that a complainant was lodged by Gurbinder Singh stating that on 27.09.2021, a dispute had taken place between his wife Paramjit Kaur and his mother Gurpal Kaur, his wife called her brother Gurdeep Singh to take her away from her matrimonial home. At 6 p.m. Gurdeep Singh alias Deepa and Billa came there and started abusing them and threatened to kill him and his mother and pushed them and gave

beatings to his mother Gurpal Kaur. On raising hue and cry they ran away from the spot with their sister Paramjit Kaur. In the meantime, father of complainant came to spot and took his mother to hospital and on the basis of the same FIR was registered.

4. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner is in custody since 26.04.2022. He further submits that the nature of injuries on the person of deceased were simple and the death of the deceased Gurpal Kaur was due to 'sudden cardiac arrest'. He submits that complainant Gurbinder Singh, examined as PW.1 had not supported the prosecution case and had been declared hostile (Annexure P-5). He submits that there is no other case pending against the present petitioner. He submits that after completion of investigation challan has been presented in Court, charges have been framed and prosecution has cited 19 witnesses and out of them only 05 witnesses have been examined till date, as such he prays for grant of concession of bail to the petitioner.

5. *Per contra*, learned State counsel has not disputed the factual matrix of the case but argued that considering the nature and gravity of offence the petitioner does not deserve concession of bail. However he has admitted the fact that during course of trial, material witnesses including the complainant and eye witness have been examined who have not lent any support to the prosecution against the petitioner. He has also admitted that only 5 witnesses have been examined out of 19 witnesses cited by the prosecution.

6. After considering the rival contentions and going through the record, it transpires that it is not disputed proposition in the present case that the prosecution has cited 19 witnesses in order to prove its case. The learned trial Court has already examined 5 witnesses including the material witness to the occurrence including the complainant and the eye witnesses, admittedly these material witnesses have not lent any support to the case of the prosecution. The learned trial Court has yet to examine the remaining witnesses and the conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioner and no purpose would be served by keeping petitioner behind bars any longer.

7. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

21.03.2024

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No