



109+223 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-36544-2024 in/and
CRM-M-33173-2024
Date of Decision: 16.09.2024

Gagandeep Singh alias Sonu ...Petitioner
vs.
State of Punjab ...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Satnam Singh Thakur, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

CRM-36544-2024

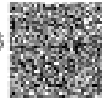
1. Application is allowed as prayed for, subject to just exceptions.

Annexure P-5 is taken on record.

CRM-M-33173-2024

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.126 dated 12.09.2020 registered under Sections 302, 120-B of IPC, at Police Station Jhander, Amritsar.

2. Learned counsel for the petitioner contends that Paramjit Kaur, sister of the petitioner was married to Randeep Singh @ Romy (since deceased) and Jagdeep Singh, brother of the deceased has falsely involved the petitioner in the present case. He further contends that Paramjit Kaur, co-accused was having a matrimonial dispute with her husband-Randeep Singh @ Romy



(deceased). Due to the said grudge, the complainant has falsely named the petitioner and other accused in the FIR in the present case. Learned counsel further contends that even during the course of investigation, the police could not collect any incriminating evidence against the petitioner. The petitioner was arrested in the present case on 14.12.2020 and thus, he is in custody for the last more than 3 years and 8 months. He further contends that the co-accused, namely, Harmeet Kaur has already been admitted to bail by this Court vide order dated 29.02.2024 passed in CRM-M-27729-2023 and the case of the petitioner is at par with her.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner had strangulated Randeep Singh alias Romy, since deceased and he is not entitled to be released on bail by this Court.

4. I have heard the learned counsel for the parties and perused the record.

5. No doubt, very serious allegations have been levelled against the present petitioner, however, this Court cannot be oblivious of the fact that the petitioner has already been undergone more than 3 years and 8 months of actual custody in the present case. Apart from that, the complainant-Jagdeep Singh and other material/private witnesses have been recorded by the Court and there are no chances of tampering with the prosecution evidence. Still further, there is no material on record to indicate that the petitioner is in a position to influence the official witnesses or may flee from the process of justice. Even otherwise,

Harmeet Kaur, co-accused has already been admitted to bail by this Court vide order Annexure P-2.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.
- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.
- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.
- (vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.
- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

16.09.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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