



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

CRM-M-35187-2024

Date of Decision:-30.07.2024

Gurlal Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Vikas Gupta, Advocate for the Petitioner.

Mr. Prabhdeep Singh, AAG Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this second petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.96 dated 19.09.2023 under Sections 307, 506, 34 and Section 302 IPC (added later on vide DDR No.16 dated 21.09.2023 and Sections 307 IPC deleted vide DDR No.16 dated 21.09.2023) registered at Police Station Valtaha, District Tarn Taran.

2. The present FIR came to be registered at the instance of Bachan Singh which reads as under:-

“ Statement of Bachan Singh son of Bahal Singh resident of Village Cheema Khurd, Police Station Valtaha, District Tarn Taran, aged about 62 Years, Mobile No. 76579-26476 stated that I am resident of abovementioned address and do labour work. On 16.09.2023, time would be around 07:30 in the evening, that I alongwith my son namely Heera Singh, who is aged about 30 years and is single yet and my wife namely Sukhwinder Kaur, were having food in the house. That Binder Singh S/o Bakshi resident of Cheema Khurd



came before the gate of our house and started demanding Rs. 200/- from Heera Singh, which Heera Singh have to owe him and he told that I do not have the money now, I will give it later, on which Binder Singh went away cursing. At about 08:45 PM, Sajan Singh armed with dang, Dhola armed with datar sons of Binder Singh, Gurlal Singh S/o Preetu armed with Kirpan resident of Cheema Khurd and Binder Singh S/o Bakshi Singh resident of Cheema Khurd empty handed came in the street and bulb was glowing in the street and to them, I have seen in the light of bulb. They came and Binder Singh raised lalkara that let them learn a lesson for not giving Rs. 200/-. When my son namely Heera Singh came outside then Sajan Singh aimed dang blow on the head of Heera Singh but Heera Singh caught the dang with both of his hands then in the meantime, Dhola gave datar blow on the head of Heera Singh with an intention to kill him, which directly hit on the head of Heera Singh and Gurlal Singh pushed Heera Singh and throw him on the ground. When we raised alarm of "Maar Dita Maar Dita" then they alongwith with their respective weapons while abusing ran away from the spot. We arranged the vehicle and took Heera Singh to Government Hospital, Patti, where they before admitting us, refer us to Guru Nanak Dev Hospital, Amritsar, where Heera Singh get his treatment for full day and then referred to Life Hospital, Fatehgarh Churian, Amritsar, where Heera Singh is under treatment. Strick legal action be taken against abovesaid persons. I and my son namely Davinder Singh have seen this incident with our own eyes. Statement has been recorded, heard and is correct. LTI/- Bachan Singh abovesaid."

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The alleged occurrence took place on 16.09.2023 whereas the FIR in question came to be registered on 19.09.2023. This delay was fatal to the prosecution case.



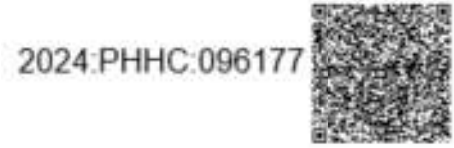
Taking the allegations to be correct no specific injury had been attributed to the petitioner and he is stated to have pushed the deceased. It would be a moot point during the course of the Trial as to the culpability of the petitioner with the aid of Section 34 IPC. As the petitioner was in custody since 20.09.2023 but only 02 of the 19 prosecution witnesses had been examined so far, the trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail, moreso when he was a first time offender and his co-accused Sajjan Singh @ Nirvail Singh had been granted the concession of bail vide order dated 16.07.2024 passed in CRM-M-32448-2024.

4. The Counsel for the State on the other hand contends that the allegations against the accused including the petitioner were grave and serious injuries were caused to Hira Singh who subsequently succumbed to those injuries. Therefore the petitioner was not entitled to the concession of bail. He however, concedes that the petitioner was a first time offender, in custody since 20.09.2023, only 02 of the 19 prosecution witnesses had been examined so far and that no injury had been attributed to the petitioner.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner has not been attributed any specific injury. His culpability with the aid of Section 34 IPC shall be adjudicated upon during the course of the Trial. He is stated to be in custody since 20.09.2023 but only 02 of the 19 Pws have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.

9. Thus without commenting on the merits of the case, the present



petition is allowed and the petitioner-**Gurlal Singh** son of Sh. Pritam Singh @ Preetu is ordered to be released on bail subject to her furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

July 30, 2024
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>