

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

CRM-M-42885-2023

Date of Decision: February 08, 2024

SIMRANJIT SINGH @ DANNA @ DHUNA @ VISHALPetitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ankur Jain, Advocate for the petitioner.
Mr. Shubham Kaushik, A.A.G., Punjab.
Mr. Asish Aggarwal, Advocate for the complainant.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 439 CrPC, prayer has been made for grant of regular bail in case FIR No. 0176 dated 27.09.2022 registered under Sections 302, 148 and 149 of IPC (offence under Sections 325, 323 and 34 of IPC added later on) at Police Station Sadar Patti, District Tarn Taran wherein, the petitioner has been implicated on the basis of statement made by injured-eye witness namely Gurwinder Singh alias Joga in the alleged murder of Gurdarshan Singh and Shinder Singh.

2. The prayer made herein has been opposed at the instance of learned State counsel assisted by learned counsel for the complainant while submitting that in the present case there are two death of individuals namely Gurdarshan Singh and Shinder Singh whereas, there is only one injured namely Gurwinder Singh alias Joga and thus considering the same, the petitioner 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 on behalf of the petitioner.

4. In the present case, investigation stands concluded with the filing of challan followed by framing of charges and 3 witnesses out of the 24 as cited by the prosecution have been examined. Moreover, the petitioner is already behind the bars for a period of almost 1 year and 3 months by now. From the record it is apparent that the petitioner was never named in the FIR but was implicated on the basis of supplementary statement made by the complainant which was recorded after two days on 29.09.2022. Further, the injured-Gurwinder Singh named the petitioner in his statement on 09.10.2022 yet again, no injury was attributed to him qua deceased or even qua the injured. Even as per the statement of injured-Gurwinder Singh, the petitioner was empty handed though, present at the spot. Considering the aforesaid facts and circumstances, this Court does not find justification to extend his incarceration any further.

5. In view of the above, without commenting anything on the merits, lest it may prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

08.02.2024

Tejwinder

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No

