

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-48009-2023

Date of Decision: 18.03.2024

Sukhpal ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Yashpal Thakur, Advocate, for the petitioner.

Mr. Gauravdeep Singh Dhaliwal, DAG, Punjab.

FIR No.	Dated	Police Station	Section/s
85	31.05.2022	Sadar Patiala, District Patiala	302, 323, 120-B IPC

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of aforementioned FIR.
2. The FIR in question was lodged at the instance of Kulwinder Kaur, wherein she alleged that her younger sister Harpreet Kaur was married to Gurmukh Singh in the year 2002 and they were blessed with 3 children, the eldest of whom was a girl namely Navdeep Kaur aged 18 years. It is alleged that Gurmukh Singh had got registered land and house in the name of his wife Harpreet Kaur (complainant's sister), as per his own wish and subsequently, when he wanted to dispose of the same, the complainant's sister Harpreet Kaur did not agree for the same on account

- of which there used to remain a dispute amongst them. It is further alleged that Gurmukh Singh had been threatening Harpreet Kaur of dire consequences in case she does not sell the land and house, as per his wishes. On 30.05.2022 when Harpreet Kaur and her daughter Navdeep Kaur met the complainant and complainant's husband Kashmir Singh near house of Sucha Singh, her brother-in-law Gurmukh Singh came there in a car while holding a '*kirpan*' and chopped off the head of Harpreet Kaur and also inflicted injuries to Navdeep Kaur leading to death of both of them at the spot. After murdering the aforesaid two, Gurmukh Singh went away in his car along with two other persons.
3. Learned counsel for the petitioner submits that he has falsely been implicated in the present case and is nowhere named in the FIR and came to be nominated on the basis of a supplementary statement of the complainant. Learned counsel has further submitted that in any case even if all the allegations as levelled in the FIR are taken to be correct, it is only Gurmukh Singh, who had come out of the car and had inflicted injuries on the deceased with his '*kirpan*' and that there is no allegation whatsoever as regards any overt act committed by the other two persons alleged to be sitting in the car. Learned counsel further submitted that since co-accused Puneet Sharma @ Mani has already been granted bail, the petitioner also deserves the same concession on grounds of parity.
4. Opposing the petition, learned State counsel submitted that having regard to the supplementary statement made by the complainant, wherein the petitioner is specifically named, his complicity is clearly evident.

Learned State counsel has informed that the petitioner as on date has been behind bars since the last about 1 year, 8 months and 29 days and that the petitioner stands involved in one more case under the Prisons Act.

5. This Court has considered the rival submissions.
6. Although the petitioner is stated to be nominated on the basis of a supplementary statement of the complainant, but this Court cannot lose sight of the fact that the overt act regarding inflicting of injuries is attributed only to Gurmukh Singh and the other two persons were stated to be sitting only in the car. The petitioner has been behind bars since the last about 1 year, 8 months and 29 days. Co-accused of the petitioner, namely, Puneet Sharma @ Mani has already been granted bail. In these circumstances, further detention of the petitioner is not justified. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

18.03.2024

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**(GURVINDER SINGH GILL)
JUDGE**

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