



CRM-M-53902-2024

-1-

**239 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-53902-2024
Decided on : 06.11.2024

Gurwinder Singh @ Chucha

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. Sumeet Puri, Advocate
for the petitioner through VC.

Mr. Amit Rana, Sr. DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. This is the petition filed by the petitioner seeking concession of regular bail in case FIR No.30 dated 04.03.2023 under Sections 302, 364, 201, 148, 149 and 120-B IPC registered at Police Station Longowal District Sangrur.

2. Learned counsel for the petitioner submits that the instant case is based on circumstantial evidence; it was on account of some trivial dispute between co-accused Manpal Singh @ Mani and the deceased that the latter was inflicted fatal injuries and thereafter thrown into a canal. It has been argued by the learned counsel that two days after the deceased went missing, the complainant (wife of the deceased) reported to the police that she had made inquiry at her own level and learnt about the involvement of co-accused



CRM-M-53902-2024

-2-

Manpal Singh @ Mani in the murder of her husband. It has also been argued by the learned counsel that no motive is forthcoming against any of the accused, particularly against the petitioner, as to why he would have participated in the crime in question and murdered the deceased. It has still further asserted by the learned counsel that the investigating agency had not collected any corroborative evidence after the disappearance of the deceased was reported by the complainant, to connect the petitioner with the alleged murder. Learned counsel has also submitted that since the petitioner has now been in custody for almost 1-1/2 years having been arrested on 16.03.2023, he deserves to be extended the concession of bail since the complainant has been seeking repeated adjournments after getting herself examined in-chief and has, till date, not appearing subjecting herself for cross-examination.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has not disputed the custody period of the petitioner as well as stage of trial. However, learned State counsel has drawn the attention of this Court to the allegations levelled in the FIR, which stands reproduced hereinunder and submitted that the complainant had suspected the involvement of the accused including the petitioner while getting the FIR in question registered:

*"Statement of Yadwinder Kaur wife of
Avtar Singh aged about 35 years Mobile*



No.8288884222 it is stated that I am resident of above mentioned address and is a house hold lady and married with Avtar Singh in the year 2010. I have one son namely Kamalnoor who is 11 years of age. My husband Avtar Singh used to do domestic work. On 23.02.2023 at about 8.15 PM my husband Avtar Singh was present in the house along with me at the same time Gurwinder Singh alias Chuchi came to our house and started talking with Avtar Singh and then he had taken Avtar Singh with him. After that Avtar Singh did not come back to our house and his phone was also coming switched off. I kept searching for him with my relatives till today. During my own enquiry I came to know that on 02.03.2023 during night hours Manpal Singh alias Mani along with Gurwinder Singh alias Chuchi and Rampreet Singh alias Lavi along with two more unidentified persons had taken Avtar Singh in Car make Honda City bearing No DL-CNC- 1460 at the motor situated in the fields of Rampreet alias Lavi at Qila Bharian Road. Avtar Singh was murdered by them at that place by causing injuries on his person with sharp edged weapons. The motive behind this crime was that some days ago Avtar Singh had minor quarrel with Manpal Singh alias Mani and due to that grudge above mentioned assailants murdered Avtar Singh and they threw his dead body in canal to destroy evidence. Necessary legal action be taken against the accused person."

4. On a pointed query put to the learned State counsel as to whether the case of the petitioner is at par with other two co-accused namely Rampreet Singh @ Lavi and Manpal Singh @ Mani, who have



CRM-M-53902-2024

-4-

since been extended the concession of bail by this Court vide orders dated 27.08.2024 and 27.09.2024, he, on instructions, has replied in the affirmative.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. As per instructions received by the learned State counsel, out of 23 prosecution witnesses, two have been given up while one stand examined, who as per State counsel is the sole material witness in the case at hand. The trial is unlikely to conclude in the near future; there can now be no apprehension of the petitioner intimidating the witnesses or tampering with the evidence, which are already part of the challan.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

06.11.2024
sonia

(MANJARI NEHRU KAUL)
JUDGE

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