

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-59814-2023

Date of Decision: 10.04.2024

Gurpreet Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Manjit Singh Uppal, Advocate, for the petitioner.

Mr. Vinay Kumar Malhotra, DAG, Punjab.

FIR No.	Dated	Police Station	Section/s
94	06.06.2022	Sardulgarh, District Mansa	302, 201, 34 IPC (Section 34 IPC added later on)

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 on the statement of Kuldeep Singh, Panch, who stated that on 06.06.2022 when he alongwith Gurdep Singh, Panch had gone for a walk towards the bridge of drain Ghaghar, Village Bhawanpura Hingna, they noticed a dead body in the canal. They took out the dead body and saw that his neck had been tied tightly with a white coloured cloth (*chunni*) and that there was no other clothe on the body except white vest. It is further the case of prosecution that subsequently on 21.06.2022, the dead body was identified as of Vishal @

Vishu by one Jeet Singh and Fauji Singh. It is further the case of prosecution that during the course of investigation, statement of one Ajay Kumar was recorded, who stated that Gurpreet Singh (petitioner) and Ranjit Singh had confessed their guilt of having murdered Vishal.

3. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case and that as a matter of fact, it is a case of blind murder and that the petitioner is sought to be implicated as an accused on the basis of alleged extra-judicial confession of accused before one Ajay Kumar, which would hardly carry any evidentiary value particularly in the absence of any other connecting evidence. It has further been submitted that the petitioner has a clean record and has been behind bars for a substantial period of about 1 year & 9 months.
4. Opposing the petition, learned State counsel submitted that since the petitioner had himself confessed his guilt before Ajay Kumar, his complicity is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 1 year, 9 months & 14 days and that he is not involved in any other case. It has also been informed that as on date only 1 PW out of cited 19 PWs has been examined.
5. This Court has considered rival submissions.
6. It is not in dispute that it is a case of blind murder based totally on circumstantial evidence. The prosecution mainly relies upon extra-judicial confessional statement of Ajay Kumar. The petitioner has been behind bars for a substantial period of more than 1 year & 9 months.

Conclusion of trial is likely to consume time inasmuch as only 1 PW out of cited 19 PWs has been examined till date. In these circumstances, particularly keeping in view the fact that the petitioner has a clean record, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

10.04.2024

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**(GURVINDER SINGH GILL)
JUDGE**

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