

In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-62288-2023 (O&M)
Date of Decision:- 15.01.2024

Puneet Sharma @ Mani ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. A.D.S. Sukhija, Advocate, for the petitioner.

Mr. Hakam Singh, AAG, Punjab.

FIR NO.	DATE	POLICE STATION	OFFENCES
85	31.5.2022	Sadar Patiala, District Patiala	302, 323, 120-B IPC

GURVINDER SINGH GILL, J. (Oral)

- The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.
- The FIR 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 30.5.2022 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 he is nowhere named in the FIR and came to be nominated subsequently on the basis of disclosure statement made by Gurmukh Singh which does not carry any evidentiary value.
4. 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.
5. Opposing the petition, learned State counsel submitted that since in the disclosure statement made by co-accused Gurmukh Singh the petitioner has been specifically named and the recovery of 'stick' had

also been effected from him, 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, 6 months and 24 days and that the petitioner otherwise is not involved in any other case. It has also been informed that as on date none out of the cited 25 PWs has been examined.

6. This Court has considered the rival submissions.
7. It is not in dispute that the petitioner is not named in the FIR. 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 came to be nominated on the basis of disclosure statement made by co-accused Gurmukh Singh, the admissibility and value of which would be debatable. The petitioner has been behind bars since the last about 1 year, 6 months and 24 days. Conclusion of trial is likely to consume time inasmuch none out of cited 25 PWs has been examined till date. 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.

15.01.2024
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No