



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-19300-2024(O&M)

Date of Decision:-25.02.2025

Gurmeet Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Nitish Garg, Advocate for the Petitioner.

Mr. Rajinder Singh Bhatta, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under section 439 Cr.PC is for the grant of regular bail in case FIR No.26 dated 15.04.2023 under Sections 302, 341, 506, 148 & 149 IPC registered at Police Station Kheri Gandian, Patiala.

2. The present FIR came to be registered at the instance of Sukhdev Singh and reads as under:-

“ At present a statement of Sukhdev Singh son of Mohinder Singh, resident of village Alalmajra, Police Station Kheri Gandian, aged about 36 years, Mobile No. 62804-80308 written by INSP/Station House Officer Manpreet Kaur 30/RRT, Police Station Kheri Gandian regarding registration of case against Surinder Singh alias Deepak son of Gurmeet Singh, Gurmeet Singh son of Kesar Singh, Gursewak Singh, Gurdhayan Singh sons of Surinder Singh, Amandeep Singh alias Ranjha son of Karamjeet Singh, residents of Village Alalmajra and 7/8 unidentified persons for the offence under Sections 302, 341, 506, 148, 149 IPC has been received at the police station through



Constable Harjeet Singh 867, the subject matter of which is as mentioned below: Stated that I am resident of the above mentioned address and doing the work of labour. We are four brothers. Eldest one is Gurmeet Singh, younger to him is Angrej Singh, younger to him is myself and youngest of all is Raja Singh. My brother Angrej Singh, who have two sons, elder son namely Surinder Singh aged about 20 years, younger to him is Kulvir Singh aged about 17 years. Yesterday on 14.04.2023, at about 7.7:30 PM, I had been going outside from my house towards the side of Government School, then as when I reached near Water Tank before School, then I saw that Surinder Singh alias Deepak son of Gurmeet Singh, Gurmeet Singh son of Kesar Singh, Gursewak Singh, Gurdhayan Singh sons of Surinder Singh, Amandeep Singh alias Ranjha son of Karamjeet Singh, residents of Village Alalmajra after encircling my nephew Kulvir Singh had been giving beatings to him and Gursewak Singh and Gurdhayan Singh had caught hold arms of my nephew Kulvir Singh and Gurmeet Singh son of Kesar Singh had since grappled my nephew Kulvir Singh, then Surinder Singh alias Deepak and Amandeep Singh alias Ranjha son of Karamjeet Singh gave fist blows in the stomach and other entire body of my nephew and thereafter they after waylaying my nephew on the ground had been giving consecutive kick blows forcefully with feet in the stomach and body, whereas these above mentioned persons were about the fact that in this way by giving kick blows and fist blow in the stomach and other body brutally to my nephew, on account of sustaining serious or incised injury, death can occur. Kulvir Singh had been raising raula of marta marta, then while seeking coming of myself and my other nephew Ravi Singh son of Gurmeet Singh and others persons at the spot, all these persons while giving beatings to my nephew Kulvir Singh, fled away from the spot. Thereafter, I with the assistance of Ravi Singh took away my nephew to his house. Thereafter it would be at about 9:30 PM, as when Surinder Singh alias Deepak son of Gurmeet Singh, Gurmeet Singh son of Kesar Singh, Gursewak Singh, Gurdhayan Singh sons of Surinder Singh, Amandeep Singh alias Ranjha son of Karamjeet Singh, residents of Village Alalmajra along with other 7/8 unidentified persons, whose faces were muffled with cloth and were carrying danda in hands, who after coming outside the house of Kulvir



Singh while extending threats of criminal Intimidation to us started raising lalkaras that come out, today you have not be left alive, due to fear from whom, we did not come out of the house. All these above mentioned persons while raising lalkaras went away from there. We had not given the Information of the above mentioned occurrence to the police due to the reason that we shall get conducted the action after having a talk through the present panchayat. Today morning, on account of sustaining incised injuries to my nephew Kulvir Singh in the beatings given on yesterday, he started suffering blood vomiting and started saying us that on account of beatings given by Surinder Singh alias Deepak son of Gurmeet Singh, Gurmeet Singh son of Kesar Singh, Gursewak Singh, Gurdhayan Singh sons of Surinder Singh, Amandeep Singh alias Ranjha son of Karamjeet Singh, residents of Village Alalmajra, on account of sustaining incised injuries in my body, too much pain has been suffering. Today my brother Angrej Singh after having been accompanied with my nephew Ravi Singh got admitted Kulvir Singh for treatment at A.P. Jain Hospital, Rajpura, from there on account of more deteriorated health of my nephew, the doctors referred him to PGI, Chandigarh. Thereafter we had taken away my nephew Kulvir Singh for treatment at PGI Chandigarh, then he has been expired there outside PGI Chandigarh itself. The death of my nephew Kulvir Singh has taken place on account of giving beatings by way of kick, fist blows in the stomach and internal parts of other entire body brutally by Surinder Singh alias Deepak son of Gurmeet Singh, Gurmeet Singh son of Kesar Singh, Gursewak Singh, Gurdhayan Singh sons of Surinder Singh, Amandeep Singh alias Ranjha son of Karamjeet Singh, residents of Village Alalmajra. By taking stern action against Surinder Singh alias Deepak son of Gurmeet Singh, Gurmeet Singh son of Kesar Singh, Gursewak Singh, Gurdhayan Singh sons of Surinder Singh, Amandeep Singh alias Ranjha son of Karamjeet Singh, residents of Village Alalmajra and 7/8 unidentified persons, justice may be got delivered to us. The motive behind the occurrence is that the wall of the house of above mentioned Gurmeet Singh adjoins the house of my brother Angrej Singh and on account of bathroom of the house of my brother being lower, earlier also the family of above mentioned Gurmeet Singh were peeping into the house of



my brother and earlier also on being restrained by my brother and above mentioned nephew Kulvir Singh, they had committed minor altercation with my nephew, which we had taken in formal manner and had not given information to the police, but the above mentioned Gurmeet Singh and all the above mentioned persons kept this fact in mind and all the above mentioned persons after having been connived with each other on dated 14.04.2023 at 78 PM have given beatings to my nephew Kulvir Singh, due to which during the course of treatment, he has been expired. I along with my brother Angrej Singh had been coming to get recorded statement before you, you along with the police officials have met us at Bus Stand Village Kheri Gandian. The statement has been got recorded to you, gone through, heard, the same is correct. Sd/- Sukhdev Singh.”

3. The counsel for the petitioner contends that Sukhdev Singh has been examined as PW-2, Angrej Singh as PW-3 and Ravi as PW-4. They have not supported the prosecution case and have turned hostile. As the petitioner was in custody since 18.04.2023 but only 06 of the 15 Pws had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

4. The Counsel for the State on the other hand contends that the nature of the allegations levelled against the petitioner and his co-accused did not entitle him to the concession of bail. He however, concedes that all the material witnesses have turned hostile, that the petitioner was in custody since 18.04.2023 and that only 06 of the 15 Pws had been examined so far.

5. I have heard the learned counsel for the parties.

6. The three material witnesses have turned hostile. Whether the remaining evidence available on record is sufficient to establish the guilty of the accused is yet to be established during the course of the trial. The



petitioner is stated to be in custody since 18.04.2023 but only 06 of the 15 Pws have been examined so far, therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Gurmeet Singh** son of Sh. Kesar Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

February 25, 2025
Vinay

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