

2025:PHHC:017846



225.

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-35659-2023

Date of decision: 06.02.2025

Jagtej Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gurbir Singh Sidhu, Advocate and
Mr. Mohit Kumar, Advocate, for the petitioner.

Mr. Amit Rana, Senior DAG, Punjab.

Mr. Saurav Bhatia, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

This is second petition that has been filed under Section 439 of Cr.P.C., for grant of regular bail to the petitioner, in case FIR No.251, dated 14.11.2020, under Section 302 of IPC, registered at Police Station Sadar Nabha, District Patiala.

Learned counsel for the petitioner submits that even though the petitioner has been in custody since 17.11.2020, however, till date, the trial has not concluded, and there is still no possibility of the conclusion of the trial in the near future as 12 prosecution witnesses still remain to be examined. It has also been asserted by the learned counsel that the falsity of the case of the prosecution is also evident from the fact that as per the

admitted case of the complainant that he was blind and hence, he could not have witnessed the murder of his son at the hands of the petitioner. It has also been submitted that since the star witness i.e. the complainant, Omkar Singh, has already been examined and subsequently expired also, the petitioner be admitted to bail as there can be no apprehension of the petitioner tampering with evidence or intimidating/influencing the remaining witnesses.

Per contra, learned State counsel, who is assisted by the counsel for the complainant, has vehemently opposed the prayer and submissions made by the counsel opposite and drawn the attention of this Court to the allegations levelled in the FIR in question which stands reproduced hereinunder:-

“At present, a statement of Omkar son of Mr. Prem Chand, resident of Dalla Colony: Dulladi Nabha, District Patiala, age about 45 years, mobile number 62835-47057, in writing received to INSP Sukhdev Singh, Station House Officer Police Station, Sadar, Nabha, for registration of case against Gurtej Singh alias Teja son of Harjinder Singh resident of Kameli now at Dalla Colony, Duladi Nabha by hand C Hardeep Singh 1250 at police station, which is as, stated that I am a resident of the said address and work as a truck driver, I have four trucks. I have two sons, the name of elder son is Mani Karan age about 24 years and younger son Ajay Kumar age about 23 years. My elder son is pursuing ITI and younger son Ajay drives the truck. Near to our house is the house of Gurtej Singh alias Teja son of Harjinder Singh resident of Kameli now at Dalla Colony, Duladi, with whom my son Ajay

had a fight a couple of times because Gurtej Singh alias Teja suspect my son Ajay Kumar used that my son Ajay Kumar has illicit relations with his sister. Yesterday on 13-11-2020, it will be around 7:00 PM in the evening, at that time the street light was on in our street, so my son Ajay told me that I am bringing Diwali goods from the bazaar, so my son left the house on a motorcycle and I was also standing outside the gate of the house when my son Ajay Kumar reached the turn of the street on the motorcycle Gurtej Singh alias Teja above said who was having a Takua/hand spade in his hand stopped the motorcycle of my son Ajay and immediately on stopping the motorcycle, he attacked my son Ajay several times with his Takua/hand spade, so I ran to the spot, seeing me, Gurtej Singh alias Teja fled from the spot with the said handgun/ takua, my son Ajay Kumar fell down from the motorcycle and when I went and picked him up, I saw that there was a cut on his neck and there were marks of injuries on his hand and stomach from which blood was flowing, so later my younger brother Pawan Kumar also came to the spot. We picked up my son Ajay Kumar and took him to our house, then arranged a vehicle and took my son Ajay Kumar to Civil Hospital where the doctors, seeing his critical condition, referred my son Ajay Kumar to Rajindra Hospital, Patiala. We put him in an ambulance and took him to Rajindra Hospital Patiala where in the emergency ward, the doctors declared him brought dead. I along with my brother Pawan Kumar was coming to you for informing and you met near Rest House Nabha. I got recorded the statement to you, heard it and is correct. My son Ajay was killed by Gurtej Singh alias Teja above mentioned. I came to inform, the action be taken. sd/ Omkar Statement verified by sd/-Pawan Kumar son of Sh. Prem Chand resident of Dalla Colony verified sd/

Sukhdev Singh Station House Officer Police Station Sadar Nabha, dated 14.11.2020.”

It has been contended that the case of the prosecution rests on eyewitness account; the complainant was not blind on the date of the alleged occurrence and it was only when he deposed before the trial Court on 17.07.2022 that he had turned blind. Furthermore, the complainant, while stepping into the witness-box, had supported the case of the prosecution in its entirety and even if the complainant had turned blind, the petitioner, being a neighbour of the complainant, was still identified and named by him during trial. Learned State counsel has also brought to the notice of this Court that one other witness PW1-Pawan Kumar, while deposing before the trial Court, had corroborated the case of the prosecution and had categorically deposed that he had witnessed the petitioner and the co-accused inflicting injuries on the deceased; PW1 along with the complainant had thereafter removed the deceased to the hospital. Learned State counsel has still further submitted that no doubt, there has been some delay in the trial, however, it is on account of an application under Section 319 Cr.P.C. being allowed by the trial Court, as a result of which, a *de novo* trial is now underway. Furthermore, all the material witnesses stand examined and only 12 witnesses remain to be examined, who are mostly formal in nature. There is every likelihood therefore that the trial would not take much time to conclude.

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

The instant case rests on eyewitness account. PW1-Pawan Kumar has deposed that he witnessed the petitioner and other co-accused inflicting injuries upon the deceased. Further, both the complainant and PW1-Pawan Kumar categorically deposed that he along with the complainant removed the deceased to the hospital after the occurrence in question.

In the facts and circumstances, as enumerated hereinabove, this Court therefore does not deem it fit to extend the concession of bail to the petitioner.

Present petition stands dismissed accordingly.

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

However, the trial Court is directed to make earnest efforts to conclude the trial at the earliest, preferably within the next four months keeping in view the long custody of the petitioner.

(MANJARI NEHRU KAUL)
JUDGE

February 06, 2025
sanjeev

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