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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-48516-2024
Date of decision:-16.01.2025

Gurjant Singh

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Ranjodh Singh Sidhu, Advocate
for the petitioner.

Ms. Jasleen Kaur Sidhu, DAG, Punjab.

Mr. Vikas Gupta, Advocate
for the complainant.

SUVIR SEHGAL, J. (ORAL)

1. This second petition has been filed by the petitioner under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
71	28.05.2021	Sarhali, District Tarn Taran	302, 307, 452, 506, 148, 149, 212, 323, 201 IPC

2. Case of the prosecution is that on 27.05.2021 complainant along with his younger brother – Kuldeep Singh was returning to his home on a

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motorcycle when they were attacked. Gurjant Singh (present petitioner) and Gurvinder Singh, both armed with wooden sticks, Rashpal Singh, armed with 12 DBBL gun, Angrej Singh and Manjit Singh, carrying wooden sticks, Jaswinder Singh with a sword, Daler Singh, Sukhchain Singh, Japsimran Singh, Desa Singh, Savinder Singh, Sukhdev Singh, Gurvinder Singh son of Jaswinder Singh and Gurpreet Singh, all armed with wooden sticks, were waiting for them. Rashpal Singh instigated co-accused to catch hold of Kuldeep Singh and to teach him a lesson for stealing electricity wires. Gurwinder Singh, Gurjant Singh, Angrej Singh, Manjit Singh and Daler Singh started hitting Kuldeep Singh with wooden sticks and he fell. As the complainant came forward to rescue him, Sukhchain Singh and Sukhdev Singh hit him with sticks. Rashpal Singh hit the DBBL rifle on the neck of Kuldeep Singh and Jaswinder Singh kicked Kuldeep Singh. Savinder Singh also hit the complainant and he fell on the ground. Other assailants hit complainant's brother, whereas Gurwinder Singh and Gurpreet Singh dragged the complainant and his brother. Due to the injuries, Kuldeep Singh became unconscious and when the complainant raised an alarm, assailants fled with their respective weapons. Kuldeep Singh was immediately taken to a hospital and during treatment, he succumbed to his injuries, whereupon, Section 302 of the IPC was added in the FIR vide DDR No.21 dated 10.06.2021.

3. Counsel for the petitioner urges that no specific injury has been attributed to the petitioner and the allegations levelled against him are vague.

Placing reliance upon order dated 19.11.2024, he submits that co-accused

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Angrej Singh and Gurvinder Singh against whom similar allegations have been levelled, have been released on bail by this Court. He contends that the petitioner is in custody since 02.04.2022 and the trial is not likely to conclude in the near future as an application filed by the prosecution under Section 319 Cr.P.C. has been accepted and some additional accused have been summoned.

4. Prayer has been opposed by the State counsel, who is assisted by the counsel for the complainant. Custody certificate dated 15.01.2025 has been filed, which is taken on record. Counsel for the respondents have urged that in his testimony, complainant has levelled specific allegation against the petitioner and co-accused. Counsel assert that Kuldeep Singh was mercilessly beaten and he died due to the grievous injuries sustained by him. On specific instructions, State counsel submits that besides the complainant, no other prosecution witness has been produced.

5. I have heard counsel for the parties and considered their respective submissions.

6. No specific injury has been attributed to the petitioner and he was allegedly armed with a wooden stick, which as per the stand of the prosecution has been recovered from him. Trial is at a nascent stage and there is no likelihood of its early conclusion. Petitioner, who is stated to be involved in one more criminal case lodged against him under the Prisons Act, has been in custody for the last more than thirty three months. Co-accused, against whom, similar allegations have been levelled, have been released on bail.



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7. Noticing the length of custody, nature of allegations levelled against the petitioner, the role ascribed to him and the stage of trial, this Court is inclined to accept the prayer made in the petition.
8. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.
9. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

16.01.2025
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Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No