



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

CRM-M No.49606 of 2024
Date of decision: 1st April, 2025

Gurkirat Singh Virk

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Satnam S. Gill, Advocate for the petitioner.

Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J.

1. This is the fourth petition filed by the petitioner seeking the concession of regular bail under Section 483 of BNSS in case bearing FIR No.77 dated 07.09.2017 under Sections 302, 148, 149, 473, 120-B of IPC and Section 25 of the Arms Act, 1959 registered at Police Station Banur, District Patiala.

2. Learned counsel for the petitioner, while drawing the attention of this Court to the allegations in the FIR in question, submits that although the petitioner has been named therein, no specific injury has been attributed to him in relation to the deceased. This, he contends, clearly indicates his false implication in the present case. In fact, no overt act has been attributed to the petitioner. The only role attributed to him, as per the learned counsel, if any, is that he was present in the

vehicle in which the co-accused arrived at the scene of crime and, after disembarking, fatally shot the deceased. It is further argued that the petitioner had no motive to participate in, or conspire with, the co-accused to commit the alleged offence. Additionally, learned counsel submits that the unexplained delay in lodging the FIR suggests that the complainant has presented an exaggerated version of events.

3. It has also been contended by the learned counsel for the petitioner that the petitioner has been facing trial for over 7 years, yet the trial has not concluded, entitling him to the concession of regular bail. Learned counsel for the petitioner has pointed out that after the petitioner was initially arrested on 06.09.2017, this Court had granted the concession of interim bail to the petitioner, due to the prolonged absence of the complainant, as the complainant had travelled abroad and failed to appear before the trial Court to record his evidence. Learned counsel has emphasized that the petitioner never misused this concession. However, on 21.02.2024, this Court directed the petitioner to surrender, which he duly complied with. In these circumstances, a prayer is made for enlarging the petitioner on bail as the possibility of the trial concluding shortly does not arise.

4. Per contra, learned state counsel, while vehemently opposing the prayer and submissions of the counsel opposite, has argued that the case is based on an eye-witness account. All the accused arrived at the scene of crime in a vehicle driven by the petitioner himself. Upon arrival, the co-accused exited the vehicle and indiscriminately fired at

the deceased, leading to his fatal injuries. After the incident, the petitioner drove the co-accused from the scene. These circumstances, as per the learned State counsel, prove that the petitioner was also an active participant in the crime.

5. It has been further contended that all the material prosecution witnesses, including the eye-witnesses, have fully supported the case before the trial Court and specifically deposed that the petitioner was present inside the vehicle, was at the wheel at the time of the offence, and fled with the co-accused afterward. The learned State counsel has reiterated the allegations in the FIR, which are reproduced as follows:

“Statement of Lovejot Singh son of Manjeet Singh, caste Ahluwalia, resident of House No.#38, Ahluwalia Mohalla, Banur, aged about 19 years, Mobile No.8528705708. Stated that I am a resident of above mentioned address and doing B.Com from Chitkara University. Yesterday night i.e. on 06.09.17 at 09.30 p.m. as usual, my uncle Daljit Singh alias Pinchi son of Rajinder Singh, resident of Banur went for walk from Banur to Rajomajra Road and on the asking of my aunt, I went to call back my uncle on my motorcycle. When after crossing minor bridge, reached near the house of Bazigar, then on the road, one white coloured Endeavour vehicle bearing registration No.CH-01H-5233 was already parked there and when my uncle reached near the vehicle from Rajomajra side, then in front of me, Amrit & Simrat sons of Gurnam Singh, resident of Ward No.8, Banur, Deepu

Khatik, resident of Ward No.3 alighted from the vehicle, who were armed with revolver and they fired shots with their respective weapons at my uncle while giving abuses to him. 3/4 other unknown persons were also with them, to whom I do not know but I can identify them if they appearing before me. At that time, Gurkirat son of Baldev Singh, resident of Ward No.8, Banur was also sitting in the vehicle. My uncle in order to save himself ran towards passage leading to fields and they while firing shots at my uncle said that, "Nimmo ate Sukh Bhai nal jo vi panga lavega usda ehi hasher karange". At that time, due to fear, I sat down at one side by hiding myself. After this incident, above mentioned all the persons with their respective weapons ran away towards village Rajomajra in their vehicle. On that, I informed my family members regarding this incident and after parking my vehicle at the spot. I alongwith my family members took my uncle to IVY Hospital Mohali in injured condition, where, doctor declared my uncle dead. This incident happened in my presence. Motive is this that on various occasions, quarrel took place between my uncle Nirmaljit Singh Nimma and his brothers and my aunt is present MC. Now all MCs of the party, after removing present President Nirmaljit Singh from his post, are agreeing to appoint my aunt Preeti Walia as President. Due to which, Nimma was nursing a grudge. Due to this grudge, Nimma and Sukhjit sons of Beant Singh after hatching conspiracy have committed murder of my uncle with fire arms. Regarding this, I along with Sukhbir Singh son of Balwant Singh, resident of Ward No.8 and others are present in emergency at IVY Hospital, Mohali

and you met me, I have got my statement recorded, have heard it which is correct. Legal action be taken. Abovementioned Lovejot Singh. Sd/- Lovejot.”

6. Additionally, the learned State counsel has also drawn the attention of this Court to the reply dated 06.02.2025 filed by it, by submitting that the trial is now at an advanced stage, with only 9 prosecution witnesses yet to be examined. It is argued that if the petitioner is released on bail at this stage, there is a strong likelihood that he may abscond or cause undue delays in the conclusion of the trial. The learned State counsel, on instructions, has also pointed out that delays have also been due to certain co-accused, who were granted bail, failing to appear regularly before the trial Court.

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

8. The present case is primarily based on eye-witness account. Given that only 9 prosecution witnesses remain to be examined, who are mostly formal in nature, and considering the specific allegations against the petitioner, coupled with the fact that the prosecution witnesses have supported the case, no ground is made out for granting bail to him at this stage. The petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

9. At this stage, a request is made for expediting the trial in view of its prolonged pendency.

10. The trial Court is directed to make earnest efforts to conclude the trial at the earliest, preferably within 2 months. Both the prosecution and the defense shall extend full cooperation to ensure the expeditious disposal of the case.

(MANJARI NEHRU KAUL)
JUDGE

April 1, 2025
rps

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