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(297)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-48365-2024

Date of Decision: 27.02.2025

GURDEEP SINGH ALIAS GUGGU

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Dishant Jindal, Advocate with  
Mr. Sandeep Verma, Advocate  
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

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JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 483 BNSS is for the grant of regular bail in case bearing FIR No.256 dated 11.10.2024 registered under Sections 302/34 IPC and Section 27 of NDPS Act, 1985 (Section 27 NDPS Act added later on) at P.S. Sadar Mansa, District Mansa.

2. The present FIR came to be registered at the instance of Teja Singh S/o Sita and the same reads as under:-

*"Copy of Statement" Statement of Teja Singh son of Sita Singh son of Sucha Singh, Resident of Nangal Kalan District Mansa Age about 55 Years, M.No.98770-01279 Stated that I am a resident of the abovesaid address and do labour work. I have 3 daughters and 2 sons. My all other Sons and daughter are married except my youngest son Tarsem Singh who is still unmarried. My elder son Jagdeep Singh alias Manga, aged 25 years, who is the current Panchayat member of the village. Yesterday On Dated 10.10.2022*



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*around at 08:00 PM on the birthday of Gurdeep Singh alias Gaggi, who is son of Jarnail Singh alias Jaila son of Chota Singh of our village, all his family members invited my son on the birthday of Gurdeep Singh alias Gaggi. After inviting my son to their house they gave him alcohol and Chitta. Where condition of my son Jagdeep Singh got worse and he died in their house. Thereafter the entire family including Jarnail Singh son of Chhota Singh Amarjit Kaur wife Jarnail Singh, Bawa Singh alias Mungi, Gurdeep Singh alias Gaggi son of Jarnail Singh after killing my son, turned off the lights of their house and threw my son from the roof of the house in the street near Dharamsala. When it got quite dark but my elder son Jagdeep Singh alias Manga did not come home, my son Tarsem Singh and I, during search on street reached near the Dharamsala, then we found the dead body of son. Thereafter I and my son arranged for a ride and took him to the private hospital Mansa for treatment, where the doctor declared my son dead. Then I brought my son's dead body back to Nangal Kalan. Thereafter I and my son Tarsem Singh, left my family with the dead body and were coming to you for giving information. You met us near Nangal Khurd Bus Stand Main Road. Thereafter you got recorded my statement, which was recorded word to word and read over to me, I admitted the same to be correct and appointed my left thumb and my son Tarsem Singh witnessed my statement. The reason of dispute is that 2 year ago, we had a fight with Bawa Singh alias Mungi, son of Jarnail Singh, resident of Nangal Kalan, in which panchayat got affected of panchayati compromise between us. However due to enmity, Bawa Singh alias Mungi, Gurdeep Singh alias Gaggi sons Jarnail Singh alias Jaila, Amarjit Kaur wife of Jarnail Singh, Jarnail Singh alias Jaila son Chhota Singh resident Nangal Kalan called my son. Jagdeep Singh alias Manga on birthday party at their home, administer him heavy dose of Chitta and they threw his dead body in the street. Kindly take the legal action against them. LTI Teja Singh.”*

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3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. Three material witnesses namely, Teja Singh (complainant PW2), Satta Singh (PW3) and Tarsem Singh (PW4) have not supported the prosecution case and have been declared hostile. As the petitioner was in custody since 02 years, 04 months and 11 days but only 08 of the 23 prosecution witnesses 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. On the other hand, the learned State counsel contends that the petitioner was a habitual offender with four other cases registered against him. The nature of the allegations levelled against the him did not entitle him to the concession as prayed for. He, however, concedes that the petitioner was in custody since 02 years, 04 months and 11 days but only 08 of the 23 prosecution witnesses had been examined so far and that out of the said 8 prosecution witnesses, three material witnesses had not supported the prosecution case and had turned hostile.

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

6. Admittedly, the three material witnesses have turned hostile. Whether the remaining evidence is sufficient to establish the culpability of the petitioner shall be adjudicated upon during the course of the Trial. The petitioner is stated to be in custody since 02 years, 04 months and 11 days but only 08 of the 23 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime

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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-Gurdeep Singh alias Gaggi S/o Jarnail 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**

**27.02.2025**

JITESH

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