

2025:PHHC:012630



240.

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

CRM-M-50363-2024

Date of decision: 28.01.2025

Gurbaaj Singh alias Baaj

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Mandeep Nehra, Advocate,
Mr. Sanpreet Sandhu, Advocate, for
Mr. Davneet Sangwan, Advocate, for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

This petition that has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner, pending trial, in case FIR No.54, dated 27.02.2022, under Sections 148, 149, 302, 323, 325, 120-B of IPC, registered at Police Station Chhachhrauli, District Yamuna Nagar.

Learned counsel for the petitioner submits that the petitioner has been in custody since 03.03.2022 and the possibility of the trial concluding in the near future does not arise since 15 prosecution witnesses still remain to be examined. It has been further submitted that the case of the prosecution is based on eyewitness account and 02 material witnesses i.e. the complainant, wife of deceased Gurvinder Singh alias Sunny, and

Deepak, who was allegedly inflicted injuries in the occurrence in question, have already been examined. Hence, there can be no risk of the petitioner intimidating or influencing the witnesses in case he is enlarged on bail. It has been further submitted that even otherwise, a perusal of the FIR reveals that the petitioner has not been attributed any injury, much less fatal on the person of the deceased, and the only role attributed to the petitioner is of having held the deceased by his arms along with co-accused Jagnoor Singh (since granted the concession of bail). Learned counsel has, therefore, prayed that, in the circumstances, the petitioner be admitted to bail.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed the custody period of the petitioner nor has he disputed that both the material witnesses i.e. the complainant, who allegedly witnessed the occurrence in question as well as PW-Deepak, who allegedly sustained injuries at the hands of accused party in the occurrence in question, have already been examined. Furthermore, learned State counsel, on instructions, has submitted that they both supported the case of the prosecution while deposing before the trial Court.

On a pointed query put to the learned State counsel as to whether the petitioner had been attributed fatal injuries on the person of the deceased, he, on instructions, has replied in the negative and instead submitted that fatal injuries have been attributed to co-accused Sandeep Singh, who is still in custody.

On a further query, it has not been disputed that 03 identically placed co-accused have already been extended the concession of bail by this Court. Furthermore, learned State counsel has also, on instructions, apprised the Court that the petitioner is not involved in any other criminal case.

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

It would be apposite to reproduce the FIR in question which has been annexed as Annexure P-1:-

“Statement of Kulwinder Kaur wife of Gurvinder Singh alias Sunny Village Balauli Police Station Chhachhrauli, District Yamuna Nagar, aged 35 years, Mob. 9671010667. It is stated that I am resident of the aforesaid address and do household work. I have a daughter aged 13 years and a son aged 11 years. On 26.02.2022 at about 8.30 P.M. my husband Gurvinder Singh Sunny son of Kashmir Singh, caste Jat Sikh, resident of Balauli, Police Station Chhachhrauli, District Yamuna Nagar, aged 35 years, after taking meal had come out on the road for roaming. Just after some time, at about 9:00 p.m., I had came to know that some boys while gathering on the road, are trying to raise quarrel with my husband Gurwinder Singh alias Sunny and his friend Deepak Kumar. At the same time I along with my younger son reached on the road, then within my sight on three motorcycles, three-three boys were sitting and out of those boys, some boys were having masks on their mouth and tied Parnas. Those boys were armed with wooden Danda in their hands and were saying that today we will teach you a lesson of yesterday's quarrel. Yesterday you were rescued, today we will kill you. They immediately came down from the motorcycles and they started giving Danda blows to Deepak Kumar and both arms of my husband Gurwinder Singh were held by **Gurbaj Singh** and Jagnoor Singh sons of Amarpreet Singh alias Kala, residents of Balauli and Sandeep Singh son of Gurdeep, resident of Balauli was having a knife in his who, within my sight gave many knife blows in the abdomen of my husband and my

husband had fallen on the ground and covered with blood and in the meantime, Deepak Kumar on account of suffering injuries on his legs, had fallen on the ground. My son clinged with my legs out of fear and was weeping in loud voice and I could not do anything. Then I, after arranging for a vehicle brought my husband and Deepak Kumar for treatment to Civil Hospital Chhachhrauli. On account of many injuries suffered by my husband I took my husband to Civil Hospital Yamuna Nagar in the Ambulance arranged by Doctor Sahab of Civil Hospital Chhachhrauli. In Civil Hospital Yamuna Nagar Doctor Sahab after examining my husband declared my husband Gurwinder Singh alias Sunny aforesaid as dead on account of serious injuries. My husband Gurwinder Singh has died on account giving knife blow in the abdomen inflicted by Sandeep Singh aforesaid. On account of revenge of yesterday's quarrel, by a hatching a conspiracy together, legal action may be taken against Gurbaj Singh and Jagnoor Singh sons of Amar Preet Singh alias Kala, Sandeep Singh son of Gurdeep Singh, residents of Balauli and 6/7 other boys of unknown names and address. I have got my statement recorded to you which has been heard and is correct. SD Kulwinder Kaur. Attested Baldev Raj SI Police Station Chhachhrauli, Dated 27.2.2022.”

A perusal of the allegations levelled in the FIR reveals that the petitioner has not been attributed fatal injuries on the person of the deceased and the only role attributed to him is of having held the deceased with his arms when he was fatally injured by co-accused Sandeep Singh. Both the material witnesses stand examined. Hence, there can be no apprehension of the petitioner tampering with evidence or intimidating/ influencing witnesses.

In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of

the Trial Court/Duty Magistrate concerned. 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.

Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

January 28, 2025
sanjeev

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