



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

212

1. CRM-M-33407-2023

GOPAL

. . . Petitioner(s)

Versus

STATE OF PUNJAB

. . . Respondent(s)

2. CRM-M-34508-2023

SURJEET KUMAR

. . . Petitioner(s)

Versus

STATE OF PUNJAB

. . . Respondent(s)

Decided on : 13.01.2025

**CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present: Dr. Pankaj Nanhera, Advocate, and  
Mr. Pradeep Duhan, Advocate,  
for the petitioner (in CRM-M-34508-2023).

Mr. Maninder Arora, Advocate, and  
Mr. Harmeet Singh, Advocate,  
for the petitioner (in CRM-M-33407-2023).

Mr. Amandeep Singh, DAG, Punjab.

\*\*\*\*

**SANJAY VASHISTH, J. (Oral)**

1. Petition i.e. CRM-M-33407-2023 has been filed for grant of regular bail to the petitioner – Gopal, aged about 34 years, who has committed the offence punishable under Sections 302, 34 IPC, in FIR No.119, dated 14.09.2022, registered at Police Station Balongi, District SAS Nagar, Mohali.

2. Petition i.e. CRM-M-34508-2023 has been filed for grant of regular bail to the petitioner – Surjeet Kumar, aged about 26 years, who has committed the offence punishable under Sections 302, 34 and 392 of



IPC, in FIR No.119, dated 14.09.2022, registered at Police Station Balongi, District SAS Nagar, Mohali.

3. Counsel for the petitioner(s) *inter alia* contends that one dead body was found lying in TDI, near the empty ground, behind liquor shop at Airport Road, SAS Nagar, on 14.09.2022, at about 10.15 A.M. Later on, prosecution developed its case on the premises that one secret informant informed that one Surjeet Kumar (petitioner in CRM-M-34508-2023), resident of Udham Singh Colony, Industrial Area Phase-7, SAS Nagar, is involved in the murder of Bunty @ Mukesh. Thereafter, the investigation started with Surjeet Kumar, who got recorded his disclosure statement, and from the said disclosure statement, name of Gopal Singh (petitioner in CRM-M-33407-2023), emerged.

4. Prosecution relies upon the alleged disclosure statement of accused Surjeet Kumar, who developed motive because he was once insulted while drinking with deceased Bunty @ Mahesh, as some abusive words were used.

5. Counsel for the petitioner(s) argues that evidence on which the prosecution is relying upon, is very weak, and somebody's freedom cannot be curtailed by putting him in jail, on the basis such weak and inadmissible evidence.

6. Learned State counsel submits that the disclosure statement is the clincher, and also that the prosecution has effected certain recoveries in pursuance to the disclosure statements. Therefore, plea of bail of the petitioners should not be accepted.

7. This Court has considered the submissions addressed by counsel for the parties, and is of the view that nothing could be commented upon the standard of investigation, at this stage, as it would be the matter of evidence and trial.

8. However, after submitting of the final report, out of total 15 witnesses, only 3 have been examined, and the petitioners are inside jail since 2 years and 3 months. Therefore, they cannot be kept behind bars for an indefinite period as conclusion of the trial may still take considerable time.



9. Hence, both the petitions are allowed, and respective petitioners namely Gopal and Surjeet Kumar are ordered to be released on bail, subject to their furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

10. Needless to observe that the petitioners shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

11. The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

12. Petitions stand disposed of.

13. A photocopy of this order be placed on the file of other connected case.

**(SANJAY VASHISTH)**  
**JUDGE**

**13.01.2025**

*Lavisha*

*Whether speaking/reasoned: Yes/No*  
*Whether Reportable: Yes/No*