

CRM-M No.23362 of 2023

Gurdeep Singh @ Vakil vs. State of Punjab

Present: Ms. Monita Mehta, Advocate for the petitioner.

Mr. Ramdeep Pratap Singh, Sr. DAG, Punjab
for the respondent/State.

The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.0083 dated 25.05.2020 under Sections 302, 307, 506, 34, 120-B IPC and sections 25/29, 54, 59 of the Arms Act, 1959 registered at Police Station Sadar Batala, District Gurdaspur.

Learned counsel for the petitioner inter alia submits that the petitioner has been falsely implicated in the case in hand and has now been in custody for almost 3 years, having been arrested on 25.05.2020. While drawing the attention of this Court to the zimni orders, which have been annexed as Annexure P-8, it has been contended that the trial has not been able to make any headway on account of the fact that either the complainant has failed to put in an appearance to get his evidence completely recorded or on some dates the accused/petitioner was not produced by the jail authorities. She submits that in the circumstances, delay in the conclusion of the trial cannot be attributed to the petitioner and he deserves to be enlarged on bail. Learned counsel also submits that similarly situated co-accused Joginder Singh has since been extended the concession of bail under Section 439 Cr.P.C. by a Coordinate Bench of this Court vide order dated 23.05.2022.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to dispute that the examination in chief of the complainant is still incomplete as he has not been putting in appearance before the trial Court. Learned State counsel further submits that bailable warrants have been issued to secure his presence for concluding his evidence.

Learned State counsel has also brought to the notice of this Court that in the case in hand, the petitioner has been attributed firearm injuries not only on the person of the deceased, but also on the person of two other witnesses i.e. Lovedeep Singh and Arshpreet Singh, which yet again is on vital parts of their body. He submits that the next date of hearing fixed before the trial Court is 22.05.2023, and since all the three material witnesses i.e. the complainant Kuldeep Singh as well as Lovedeep Singh and Arshpreet Singh (both stamped witnesses) have not yet been examined, there could be a likelihood that in case the petitioner is released on bail, he could influence the prosecution witnesses to depose in his favour.

In the circumstances, the trial Court is directed to make earnest efforts to get the evidence of abovesaid three material witnesses recorded positively before the date fixed in this Court.

Adjourned to 20.07.2023.

(MANJARI NEHRU KAUL)
JUDGE

May 15, 2023
rps