

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

Sr. No.211

CRM-M-14731-2018
Date of decision : 20.04.2018

Gurpreet Singh @ Gopi

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. J.S. Bedi, Sr. Advocate with
Mr. Sonpreet S. Brar, Advocate, for the petitioner.

Mr. A.S. Gill, Sr. DAG, Punjab.

Mr. J.S. Gill, Advocate, for the complainant.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in case FIR No.171 dated 09.09.2014, registered at Police Station Sahnewal, District Ludhiana, under Sections 302, 307, 323, 324, 341, 506, 148 and 149 IPC and Sections 25 and 27 of Arms Act, 1959.

As per the allegations in the FIR, the petitioner fired three/four shots from his pistol at the deceased person. Co-accused Dilpreet Singh son of Rashpal Singh then took the pistol from him and also fired five/six shots towards the deceased person. Other co-accused also allegedly attacked the deceased with knives.

Learned senior counsel appearing for the petitioner has submitted that co-accused Dilpreet Singh son of Rashpal Singh has been granted regular bail by this Court vide order dated 12.01.2018. The petitioner is also similarly situated as both are alleged to have caused fire-arm injuries to the deceased. Further, it is submitted that the petitioner

has been in custody since 15.09.2014 and all the private witnesses have been examined. Only, the official witnesses remain to be examined and therefore, there is a remote possibility of the petitioner influencing the trial. The case of the learned senior counsel further is that the petitioner and his party have registered a cross-case against the complainant party under Section 307 IPC etc. and the complainant party has been summoned in the said case. Injuries were caused to the deceased because the deceased and his friends had attacked the petitioner and his party and the petitioner used his weapon in self-defence.

Custody certificate dated 20.04.2018, prepared by Narpinder Singh, PPS, Dy. Superintendent, Central Jail, Ludhiana, has been filed in Court today and the same is taken on record. According to this certificate, the petitioner has undergone actual custody of three years, seven months and four days. There is no other case pending against him. He was named as an accused in four other cases, but was acquitted in all of them.

Learned State counsel and learned counsel for the complainant opposed the prayer for bail. Their submission is that the petitioner is the main accused and he has caused eight gun-shot injuries to the deceased person. A gruesome murder has been committed by him and therefore, he does not deserve the concession of regular bail. It is, however, not denied that all private witnesses stand examined and that twenty three other witnesses remain to be examined.

At this stage, it is very difficult to say whether the petitioner party or the complainant party is the aggressor. The same is a matter of trial and will be opined upon by the trial Court. At present, the only question is

whether the petitioner should be granted regular bail or not?. Since, co-accused Dilpreet Singh son of Rashpal Singh, has been granted regular bail by this Court, the petitioner also deserves the same concession on the principle of parity. That apart, since all the private witnesses stand examined, the likelihood of him influencing the trial is very remote. Admittedly, the petitioner is in custody for three years, seven months and four days.

Consequently, the petition is allowed and the petitioner Gurpreet Singh @ Gopi, is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

It is made clear that in case any attempt is made to influence the witnesses or the trial in any manner by the petitioner, the State/complainant would be at liberty to seek cancellation of his bail.

Learned senior counsel for the petitioner has brought to my notice that the trial Court has already been directed to conclude the trial within a period of six months from 12.01.2018. It is further directed that a copy of this order be also sent to the learned trial Court so that the trial is concluded within the time frame laid down by this Court.

(SUDHIR MITTAL)
JUDGE

20.04.2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No