

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

**Criminal Misc. No. M-24244 of 2018
Date of decision: 29.10.2018**

Gurpinder Singh @ Gopii

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. G.S. Goraya, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana
for the respondent-State.

Daya Chaudhary, J.

Petitioner-Gurpinder Singh @ Gopii has filed the present petition under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.191 dated 01.05.2016 registered under Sections 148, 149, 180, 323, 302, 506, 427 read with Section 120-B IPC and Section 25/54/59 of the Arms Act at Police Station Pehowa, District Kurukshetra during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas he was not involved. Total 14 persons including the present petitioner were implicated in the case. There was delay of 26 hours in lodging of the FIR and that delay has been utilized in false implication of the petitioner and other accused. General allegations have been levelled against the petitioner and no specific role has been attributed to him. Even the petitioner was not named in the FIR. The

complainant and deceased were the persons of quarrelsome nature and cases were registered against them. A false recovery has been shown to be effected from the petitioner whereas he has not participated in commission of offence. Learned counsel further submits that FIR was registered on the basis of statement made by Lovedeep Singh, who is brother of the deceased. He has appeared before the trial Court as PW6 and has not supported the case of the prosecution. Even other material witnesses have not supported the case of the prosecution. Learned counsel also submits that co-accused of the petitioner, namely, Jatinder Singh, Harmanjit Singh and Gurpreet Singh @ Gopi have been granted regular bail by the trial Court and co-accused, namely, Lakhwinder Singh, Jagmeet Singh and Khuswant Singh have been granted regular bail by this Court.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner was present at the place of occurrence and he was member of unlawful assembly. Learned State counsel also submits that total 14 accused were there but subsequently, five have been declared as proclaimed offenders. It has also not been disputed by learned State counsel that co-accused of the petitioner as mentioned above have been released on regular bail.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

In view of the submissions made by learned counsel for the petitioner and by considering the parity with the co-accused, who have been released on regular bail; the fact that material witnesses have been

examined; and also the fact that PW6 has not supported the case of the prosecution, the present petition is allowed and the petitioner (Gurpinder Singh @ Gopii) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

29.10.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No