

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

1. CRM-M-40929-2018 (O&M)  
Date of decision : 30.08.2019

Harman Virk ...Petitioner

Versus

State of Punjab ...Respondent

2. CRM-M-27302-2018 (O&M)  
Date of decision : 30.08.2019

Gurpreet Singh @ Gopi Pandori ...Petitioner

Versus

State of Punjab ...Respondent

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Akshay Bhan, Sr. Advocate with  
Mr. Gurinder Singh, Advocate for the petitioner  
(In CRM-M-40929-2018)

Mr. S.P.S. Sidhu, Advocate for the petitioner  
(In CRM-M-27302-2018)

Mr. Bhupender Beniwal, AAG, Punjab alongwith  
Inspector Subhash Kumar.

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**ANIL KSHETARPAL, J. (ORAL)**

By this order, two petitions bearing CRM-M-40929-2018 and CRM-M-27302-2018, for grant of regular bail to the petitioners in FIR No.57 dated 23.10.2017 registered under Sections 392, 382, 384, 506, 148, 149, 120-B of the Indian Penal Code, Section 25 of Arms Act and Sections 18, 22 of the Narcotic Drugs and Psychotropic Substances Act (Sections 212, 216 IPC and Section 29 NDPS added later on) at Police Station Sadar Rajpura, District Patiala, shall stand disposed of.

These are the second bail applications filed by the petitioners. In the case of Harman Virk-petitioner in CRM-M-40929-2018, first bail application filed was dismissed as withdrawn so there was no adjudication on the merits of the case and in the case of Gurpreet Singh @ Gopi Pandori-petitioner in CRM-M-27302-2018, first bail application filed was dismissed by this Court on 17.04.2018.

It may be noted here that the petitioner-Harman Virk was granted interim bail vide order dated 13.02.2019. Petitioner-Harman Virk is not alleged to have misused the concession of interim bail granted to him.

As per the case of the prosecution, petitioner is a member of gang which indulges into snatching by threatening with weapons and involved in smuggling of opium and synthetic drugs. An FIR was registered on the basis of secret information and it was averred that if the raid is conducted, all can be found at one place. On 23.10.2017, the date when FIR was registered, no one was arrested. Petitioner alongwith another co-accused was arrested on 30.10.2017. As per seizure memo (Annexure P-2), no objectionable item was recovered from the car in which they were travelling. They were only found in possession of two passports. It is alleged by the prosecution that while in police custody, petitioner-Harman Virk made a disclosure statement and got recovered 700 grams of intoxicating powder Diphenoxylate Hydrochloride from a pit. Similarly, Gurpreet Singh has got recovered intoxicating powder 250 grams from bushes at a public place.

Learned counsel for the petitioner has produced copy of order dated 25.07.2019 passed by the learned trial Court refusing to frame charge under Sections 392, 382, 384, 506, 148, 149, 120-B, 212 and 216 of the Indian Penal Code. The weapon which was recovered from the co-accused of the petitioner was found to be licenced weapon.

Petitioner-Harman Virk has already suffered incarceration of 16 months. Gurpreet Singh is in custody for 19 months.

Learned counsel for the State has opposed the application on the ground that the petitioners are members of a notorious gang and the petitioner-Harman Virk is involved in 3 more criminal cases. He further submitted that the co-accused of the petitioners are involved in large number of cases. He has further referred to report of Chemical Examiner of the petitioner-Harman Virk in which morphine was detected in blood and urine. Hence, he submitted that the petitioner is also habitual of consuming intoxicants.

On the other hand, learned counsel for the petitioner has refuted the contention of learned counsel for the State by informing the Court that the petitioner was involved in 2 criminal cases under Section 307, out of which he was acquitted in one and second was settled on the basis of compromise. Third case against the petitioner was under Section 341 IPC which is for wrongful restraint and maximum punishment is one month or fine which may extend to ₹500/-. Petitioner-Gurpreet Singh is not involved in any other criminal case.

This Court has considered submissions of the learned counsel

and with his able assistance gone through the documents filed.

Keeping in view the facts of the present case and more particularly that prosecution has yet to start recording its evidence and however, the conclusion of the trial is likely to take time, the interim bail granted to the petitioner-Harman Virk is confirmed subject to furnishing bail bonds with surety of like amount to the satisfaction of the trial Court.

Gurpreet Singh @ Gopi Pandori has also prayed for being released on regular bail.

Petitioner has already suffered incarceration of 19 months. At the time of arrest, he was found in possession of revolver (licenced) with four live cartridges. However, thereafter on next day on his disclosure statement, 250 grams of intoxicant powder Diphenoxylate Hydrochloride is alleged to have been recovered at his instance.

Without commenting on the merits of the case and keeping in view the fact that conclusion of the trial is likely to take a long time, the petitioner-Gurpreet Singh @ Gopi Pandori is directed to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Accordingly, both the petitions are allowed.

**30.08.2019**

*Pawan*

**(ANIL KSHETARPAL)**  
**JUDGE**

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

**Whether reportable:-**                      **Yes/No**