

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

**CRM-M No. 40416 of 2019
Date of Decision:-26.09.2019**

Gursharan Preet Singh @ Shanu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. R.P.S. Boparai, Advocate for
Mr. J.S. Gill, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ J.(Oral)

Petitioner-Gursharan Preet Singh @ Shanu has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 62 dated 25.6.2018, under Section 379-B IPC and Section 25/27 of Arms Act, 1959, registered at Police Station Ajitwal, District Moga.

Complainant Kaushal Aggarwal has got the present FIR registered with the allegations that he was doing the business of ready-made garments at Bhim Nagar Camp Market, Moga and on 25.6.2018, he alongwith his family had been returning to Moga from Ludhiana in his Breza Car bearing registration No.HR-99-ACD(T) 8384, which was being

driven by him and his wife was sitting by his side on the passenger seat, whereas his children were sitting on the rear seat. It is further narrated that when at about 12.30 p.m., he reached the bridge of Ajitwal, a car struck against his car from behind and when he tried to see his car after stopping the same, two unknown persons having muffled faces alighted from the said car and one of them came towards him, whereas the second came towards his wife. He further alleged that one of them pointed a pistol on him whereas the second forcibly alighted his wife from the car and he also pointed a pistol on his son Anshuman Arora and they forcibly snatched his car, one mobile phone make 6-S bearing No.99889-29298 along with his wallet.

Learned counsel for the petitioner contends that the petitioner is in custody since his arrest on 21.11.2018 and only three prosecution witnesses have been examined by the prosecution so far. The attention of the Court is invited to the depositions of complainant (PW1) and his wife (PW2) to contend that they have not identified the petitioner as one of the persons, who had committed the crime. He further contended that no recovery has been effected from the petitioner. According to learned counsel, the case of the petitioner is at par with accused Gurpreet Singh @ Gopi, to whom concession of bail has been extended by this Court vide order dated 04.9.2019 in CRM-M-36056 of 2019.

On the other hand, learned State counsel, who is assisted by ASI Rajdeep opposed the prayer on the ground that the petitioner is involved in number of other cases. However, it is not disputed that still 17

witnesses remain to be examined by the prosecution and no recovery has been effected from the petitioner.

At this stage, learned counsel for the petitioner contends that in the other cases the petitioner was involved after arrest in the present case.

Learned State counsel does not dispute this fact that in the other cases the petitioner was not named and the assailants were unknown.

Considering the above background of the case and the fact that trial is likely to take considerable time to conclude, further custody of the petitioner may not be justified. Therefore, without meaning any expression of opinion on the merits of the case petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Moga.

The petition is allowed.

September 26, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No