

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

CRM-M-20395-2020 (O&M)

Date of decision : 10.08.2020

Gurdhir Singh @ Gogi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Tanvir Singh Grewal, Advocate for the petitioner.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

ANIL KSHETARPAL, J. (ORAL)

The petitioner prays for bail pending trial in a criminal case arising from FIR No.0120 dated 17.05.2019 registered under Sections 302, 324, 323, 506, 148, 149 and 120-B of the Indian Penal Code, 1860, at Police Station Civil Lines Patiala, District Patiala, Punjab.

In brief, the case of the prosecution is that Shera, Manish Kumar, Batta, Chotu @ Chira, Manjeet, Chaga, Sonu Mental @ Sandeep and Gogi Pradhan and 7/8 unknown persons murdered Rajinder Singh.

Learned counsel for the petitioner while referring to the report filed under Section 173(8) Cr.P.C., has contended that the Investigating Agency has itself found the petitioner innocent and the recommendations have been made for his discharge from the case. The relevant part of the translation of the report under Section 173(8) Cr.P.C. is extracted as under:-

“The persons with whom Rajinder Singh had a quarrel, those persons have no relation at all with the Gurdhir Singh alias Gogi. Gogi was not present at the spot during the quarrel. The record of the mobile no.9779785654 and 9872837975 was obtained and perused in depth from which Gogi has not been found to be present at the spot and neither has he had any conversation with rest of the accused. On the night of the occurrence, neither any call was made from the mobile no. of Gogi nor was any call received. From the deputed sources, it has been found that the union has about 350-400 tempos operating due to which each tempo in a day gets about 2 to 3 rounds due to which everyone wants that none should pick up a customer from the bus stand. All the tempo operators, in order to drive their tempos in a proper manner, get a monthly ticket of Rs.150 cut out of which the President of any other union member used to spend in case of any accident or unfortunate incident. This collected money was deposited in the account of the union. Due to their being an excessive number of cars in the union, new auto was not entered due to which the opposite part (complainant side) were tired of Gurdhir Singh alias Gogi. Due to this, they wanted to remove Gurdhir Singh alias Gogi from the president-ship and have their own authority. Even from the previous statement of the complainant of the present case, the name of Gurdhir Singh alias Gogi has been written in the very end from which it is clearly established that the name Gurdhir Singh alias Gogi has been written only so that the management of the union may be seized. From the interrogation done with union members and statements, nothing has come forward as of now regarding the ticket

amount of Rs.25,000/-. Gurdhir Singh alias Gogi comes to the union on his tempo every morning around 4 am and after dropping the students in the afternoon goes back home. After obtaining and an indepth study of the record of the mobile nos. of Gurdhir Singh alias Gogi 9779785654 and 9872837975, it has been found that at around 8 in the night, he switches off his mobile and only operated it around 5 in the morning. On night of 15.05.2019 also, like everyday, his mobile phone has been found to be switched off and no communication has been found to have taken place with the accused.”

Learned counsel for the State does not dispute the aforesaid factual position and submits that the recommendations have already been made by the Investigating Agency to the trial Court for discharging the petitioner from the case.

The petitioner is in custody since 17.05.2019.

Without commenting on the merits of the case and keeping in view the aforesaid facts, the petitioner 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, the present petition is allowed.

10.08.2020
Pawan

(ANIL KSHETARPAL)
JUDGE

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

Whether reportable:- **Yes/No**