

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-20451 of 2020
Date of decision:09.10.2020

Gursharanpreet Singh alias Shanu

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Vinay Kumar Gupta, Advocate, for the petitioner.

Mr. Randhir Thind, Deputy Advocate General, Punjab
for the respondent.

SUVIR SEHGAL J.

The hearing of this petition has been taken up by means of video conferencing on account of outbreak of coronavirus (Covid-19) pandemic.

This is the second petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.64 dated 24.06.2018 (Annexure P-1) registered under Section 395 of Indian Penal Code, 1860 (which provision was added after deleting Section 379-B of IPC) and Sections 25/27 of Arms Act, 1959 at Police Station Sadar Moga, District Moga. The first petition by the petitioner was withdrawn by him on 04.06.2020.

In brief, the above mentioned FIR was registered on the complaint of Dr. Gurbaksh Singh, who stated that on 24.06.2019, at about 9.00 p.m, when he, alongwith his family, were returning to Faridkot on his XUV vehicle, a white Scorpio came from behind and hit his vehicle. The complainant came out from his XUV and two persons stepped out from the

Scorpio, one of them was carrying a pistol and they started a scuffle with him. On seeing this, when his mother, wife and daughter also came out from the XUV, one of the persons from the offending vehicle got into the XUV and the other in the Scorpio and they drove away with both the vehicles.

Counsel for the petitioner has argued that a 'blind FIR' was registered and no one was named as an accused. As per the counsel, name of the petitioner as an accused was inserted after his signatures were obtained by the police on blank paper. He urges that no test identification parade was conducted. Counsel has submitted by referring to para 13 of the petition that the petitioner is not involved in any other case and was never declared as a Proclaimed Offender by any Court of law.

Opposing his petition, State counsel upon instructions from SI Balwinder Singh has submitted that the petitioner has approached this Court with tainted hands. There are three other cases pending against the petitioner, though he stands acquitted in fourth case. He has referred to the custody certificate dated 19.09.2020, which is taken on record. As per the instructions of the State counsel, the trial is at an advanced stage, on that account also, the petitioner is not entitled to grant of regular bail. State counsel has filed short reply by way of affidavit of DSP (City) Moga dated 07.09.2020, which is taken on record.

It has been brought to the notice of this Court that in a petition (CRM-M-17537 of 2020) filed for grant of regular bail by a co-accused, Harmandar Singh, this Court, vide order dated 25.08.2020 observed as under:-

“Indisputably, the criminal trials are not progressing on account of Covid-19. The petitioner has been booked in many

criminal cases referred to in the custody certificate. The prosecution has already closed its case and the same is pending for leading defence evidence.

In case the trial of case is not concluded within next three months, petitioner shall be released on bail subject to his furnishing bail bonds to the satisfaction of trial Court. However, he shall not leave India without previous permission of the Court.

However, in case the Courts start functioning within next one or two months and petitioner does not close his defence evidence within the stipulated period of three months and keep the matter alive, he shall not be entitle (entitled) to be released on bail.

Disposed of.”

In view of the fact that the trial is at its fag end, I do not deem it appropriate to grant bail at this stage. The petition for grant of bail is dismissed.

However, keeping in view of the above reproduced order, the petitioner is given liberty to approach this Court again in case the trial does not conclude within the stipulated period, provided the petitioner does not cause any delay in the conclusion of the trial.

(SUVIR SEHGAL)
JUDGE

October 09, 2020

savita
Whether Speaking/Reasoned
Whether Reportable

Yes/No
Yes/No