

CRM-M-33515 of 2019 (O&M)

Date of Decision : 27.07.2020

Gopal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. A.P.S. Deol, Senior Advocate with
Mr. Himmat Singh Deol, Advocate
for the petitioner.

Mr. C.L. Pawar, Senior Deputy Advocate General, Punjab.

Mr. Bikramjeet Singh Jatana, Advocate
for the complainant.

(presence marked through video conference)

Harsimran Singh Sethi, J. (Oral)

The petition has been taken for hearing through video
conference due to Covid-19 pandemic.

CRM-17604 of 2020

As prayed for, application is allowed.

CRM-M-33515 of 2019

Custody certificate produced by the learned State counsel is
taken on record.

The present petition has been filed under Section 439 Cr.P.C.
for the grant of regular bail in respect of FIR No.64 dated 30.05.2019 under
Sections 307,341,323,148,149 IPC (Section 325 IPC included at the time of

filing of challan on 14.08.2019 after the rejection of bail petition by the trial Court) and Sections 25 and 27 of the Arms Act, 1959 registered at Police Station Bhikhi, District Mansa.

Learned Senior counsel appearing for the petitioner submits that in the present FIR, the allegations have been alleged against the five persons, namely, petitioner Gopal Singh, co-accused Gurpreet Singh @ Gopi, Karmveer Singh @ Krishan and two unknown persons, who were later on identified as Bharti Singh @ Putter and Karanjeet Singh. Learned Senior counsel for the petitioner further submits that except petitioner, all the other accused have already been granted concession of regular bail.

Learned Senior counsel argues that Gurpreet Singh @ Gopi was extended concession of bail by the learned Additional Sessions Judge, Mansa vide order dated 25.07.2019 and Karamveer Singh @ Krishan and Bharti Singh @ Puttar were extended concession of regular bail by the learned Additional Sessions Judge, Mansa vide order dated 06.03.2020, whereas, the said benefit has been declined to the petitioner by the learned Additional Sessions Judge, Mansa vide order dated 01.08.2019. Learned Senior counsel for the petitioner further argues that the allegations against the petitioner and other co-accused, especially, accused Gurpreet Singh @ Gopi and Karamveer Singh @ Krishan are similar in nature and, therefore, on the ground of parity also, the petitioner is also entitled for the grant of benefit of regular bail.

Learned State counsel on the other hand submits that the allegations against the petitioner are also with regard to firing a gun shot towards the victim, apart from inflicting other injuries and, therefore,

keeping in view the said fact, petitioner cannot claim parity with other co-accused, who have been extended the benefit of regular bail.

Learned counsel appearing for the complainant submits that apart from the objection taken by the learned State counsel, complainant also apprehends that in case, concession of bail is granted to the petitioner, the life and liberty of the complainant will be under threat and there is likelihood that the petitioner will influence the trial also as the charges are yet to be framed in the trial.

I have heard learned counsel for the parties and have perused the record with their able assistance.

It is not disputed by the learned counsels appearing on behalf of the petitioner, State and complainant that the allegations against the petitioner in the FIR are identical to the one alleged against the co-accused, except using of firearm, which is solely attributed to the petitioner. As per the MLR, there is no firearm injury sustained by the victim. Moreover, the allegation alleged against the petitioner of using firearm on the victim is yet to be proved during the trial.

With regard to the other injuries attributed to the petitioner, the similar injuries have been attributed to the other co-accused, who have already been granted the concession of regular bail by the Court below. This fact has gone unrebutted by the learned counsel for the State & learned counsel for the complainant. That being so, on the ground of parity, the petitioner has made out a case for the grant of regular bail, especially, when he is behind bars for the last more than one year and petitioner is not involved in any other case and the trial is likely to take some time before it

concludes and keeping the petitioner behind the bars will serve no purpose.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate, Mansa.

It is made clear that grant of concession of bail by this Court will depend upon the good conduct of the petitioner in future. In case, the petitioner is found indulging in any criminal activity especially, influencing witnesses or threatening the complainant in any manner, this order will be reviewed in case any such substantiated fact is brought to the notice of this Court.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

CRM-11644 of 2020

Application is dismissed as having been rendered infructuous.

July 27, 2020

aarti

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No