

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-40543 of 2019

Date of decision:09.10.2020

Gurpreet Singh alias Gopi

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.H.P.S.Sidhu, 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.

Through the instant petition filed under Section 439 of the Code of Criminal Procedure, 1973, the petitioner seeks regular bail in FIR No.64 dated 24.06.2018 registered under Section 379-B of Indian Penal Code, 1860 and Sections 25/27 of Arms Act, 1959 (Section 395 of IPC was added later on and Section 379-B of IPC was deleted) at Police Station Sadar Moga, District Moga.

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 stuck against 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 therein. The name of the petitioner was inserted as an accused, whereas, he has nothing to do with the alleged crime. Counsel contends that some similar FIRs were also registered where the petitioner was named as an accused and in one case he was even forced to confess to the crime and was made to sign on some blank papers. He asserts that no test identification parade was conducted and the petitioner, who was arrested in February, 2019 deserves to be enlarged on bail as the trial is not progressing due to the pandemic.

Opposing his petition, learned State counsel has filed the custody certificate dated 19.09.2020 and on its basis argued that there are four other cases registered against the petitioner which are pending trial and he stands acquitted in fifth case. He submits that the petitioner has been repeatedly indulging in similar type of offences with the co-accused and he is not entitled to grant of bail. Upon instructions from SI Balwinder Singh, State counsel further submits that the trial is at an advanced stage, the prosecution evidence is over and the case is pending for adducing evidence in defence by the petitioner.

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 had 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

Yes/No

Whether Reportable

Yes/No