

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

109+213

**CRM-21602-2021 in/and
CRM-M-1714-2021**

Date of Decision: 30.07.2021

Gurpreet Singh @ Gopi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Ashish Aggarwal, Advocate,
for the applicant/petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Bhupinder Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

CRM-21602-2021

Notice of the application.

Mr. Ajay Pal Singh Gill, DAG, Punjab, accepts notice.

In view of the reasons mentioned in the application, the same is
allowed and the amended petition is taken on record.

CRM-M-1714-2021

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.168, dated 09.07.2020, Police Station Kamboj, District Amritsar Rural, under Sections 379-B, 379-B(2), 411, 201 & 506 IPC.
2. The FIR was lodged at the instance of Ajay Kapoor, wherein it is alleged that on 08.07.2020 when he was present in his factory, then

5-6 persons, who were armed with '*datars*' and 'pistols', entered the factory premises and snatched his i-20 car and also a cash amount of Rs.1500/-. The accused are also alleged to have snatched an amount of Rs.2000/- from complainant's son and also an iphone which was lying in the car.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and has been nominated as an accused subsequently on the basis of extra judicial confession allegedly made by co-accused Jaskaran Singh and Lovejit Singh before one Sarabjit Singh. Learned counsel has submitted that such like extra judicial confession would hardly carry any evidentiary value against another co-accused. It has further been submitted that in any case since two other co-accused namely Jagdeep Singh @ Lovejit Singh @ Nishan and Jaskaran Singh have already been granted bail, the petitioner also deserves the same concession on grounds of parity particularly since he has already been behind bars since the last about 1 year.
4. Opposing the petition, learned State counsel has submitted that since the petitioner has been nominated by two of his co-accused, his complicity is clearly evident and as such, he does not deserve any leniency in the matter of bail. It has, however, been informed that the petitioner as on date has been behind bars since the last about 1 year and that he stands involved in one more case. It has also been informed that in the instant case charges are yet to be framed.

5. I have considered rival submissions addressed before this Court.
6. It is not disputed that the petitioner is not named in the FIR and has been nominated subsequently on the basis of an alleged extra judicial confession made by co-accused. The petitioner admittedly has been behind bars for a substantial period of about 1 year. The trial is likely to consume time, as the same has not even commenced so far and even the charges have not been framed. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

30.07.2021

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**(GURVINDER SINGH GILL)
JUDGE**

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