

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

213

CRM-M No.2192-2021

Date of decision:16.03.2021

Gurpinder Singh @ Gopi

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Mohit Garg, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

This is the third petition filed under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.191, dated 01.05.2016 registered under Section 148, 149, 180, 323, 302, 506, 427 and 120-B of IPC, 1860 and Section 25 of the Arms Act, 1959, at Police Station Pehowa, District Kurukshetra, Haryana.

Counsel for the petitioner submits that the petitioner was arrested in the above mentioned FIR on 16.06.2016 and he was granted concession of regular bail vide order dated 29.10.2018, Annexure P-2. He submits that subsequently, the petitioner absented himself from the proceedings before the trial Court as he had gone into depression and was declared as a Proclaimed Offender on 24.04.2019. According to the

counsel, the petitioner was re-arrested on 10.02.2020 and was granted regular bail in FIR No.76 dated 10.02.2020, registered under Section 174-A of IPC, at Police Station Pehowa, District Kurukshetra on 04.08.2020.

Counsel has referred to the FIR as well as the arguments raised by him during the course of hearing of the first petition for grant of regular bail. He submits that though the petitioner has been named in the FIR, the allegation against him is that he was a member of an unlawful assembly in which most of them were armed with lathis and handles of spade. He has referred to the deposition of the complainant-Lovdeep, Annexure P-3 to submit that neither the complainant nor other material witnesses have supported the case of the prosecution. Counsel submits that the second petition (CRM-M-29728-2020) filed by him was withdrawn on 27.11.2020, Annexure P-16, with liberty to file a fresh one with better particulars and also by bringing on record the latest status of the trial. He submits that the trial is not progressing further because of the stay order passed by this Court on 15.03.2019, Annexure P-15 on a petition preferred by a co-accused. He urges that the petitioner, who has undergone incarceration of more than 3 years and 5 months, deserves to be enlarged on bail.

Per contra, learned State counsel, upon instructions from ASI Gurdev Singh, has opposed the petition. He submits that the allegations levelled against the petitioner are of a very serious nature as the petitioner was a part of the group who attacked the complainant and his companion, which resulted in a death. However, he could not dispute the

fact that the petitioner had been released on regular bail by this Court at an earlier point of time.

I have considered the rival submissions of the parties.

Considering the arguments raised by the counsel and particularly the fact that the trial is not progressing and also the fact that the petitioner had been granted concession of regular bail, this Court is of the view that the lapse on the part of the petitioner deserves to be condoned.

Keeping in view the above facts and circumstances, period of incarceration of the petitioner, nature of allegations, gravity of offence and the fact that the trial is likely to take time to conclude, no purpose would be served by keeping the petitioner behind bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It shall be open for the trial Court to impose any other condition, which deems appropriate to obviate possibility of any future default by the petitioner.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

16.03.2021

pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No