

Sr.No.101

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

CRM-M-3007 of 2021(O&M)

Date of decision:25.02.2021

Harbans Singh and another

... Petitioner(s)

versus

State of Punjab

... Respondent(s)

Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present: Mr. Swarn Tiwana, Advocate
for the petitioners.
Mr. Rana Harjasdeep, DAG, Punjab.

Through Video Conference

Jasgurpreet Singh Puri, J.(Oral)

This is the second petition filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in FIR No.154 dated 10.09.2020 registered under Sections 307, 323, 353, 186, 341, 427, 148, 149, 506 IPC at Police Station Koom Kalan, District Police Commissionerate, Ludhiana.

Learned counsel for the petitioners has submitted that the present petition is a second bail application filed by the petitioners and the earlier anticipatory bail application was dismissed vide Annexure P-5 on 19.11.2020 in CRM-M-78307 of 2020 by way of a detailed order. He has submitted that reason for filing the second bail application was that one of the co-accused namely, Gurpreet Singh @ Gopi was at parity with the present petitioners and in view of the changed circumstance the present

second petition would be maintainable and the petitioners may be considered for the grant of anticipatory bail.

I have heard the learned counsel for the parties.

The sole reason for filing of the present anticipatory bail application was that according to learned counsel for the petitioners one of the co-accused namely, Gurpreet Singh @ Gopi has now been granted the concession of bail by this Court and therefore, they may be considered for the grant of anticipatory bail.

A perusal of Annexure P-2 on which the learned counsel for the petitioners has relied upon makes it clear that in fact this bail application was allowed on the ground that father's name of Gurpreet Singh @ Gopi was wrongly mentioned in the FIR and in fact the said mistake had been corrected. The name of father of Gurpreet Singh @ Gopi was mentioned as Harbans Singh in the FIR but in fact the name of the father of Gurpreet Singh @ Gopi was Des Raj and the anticipatory bail annexure P-2 was filed by Gurpreet Singh @ Gopi son of Harbans Singh by saying that he was not involved in the case and another Gurpreet Singh @ Gopi whose father name is Des Raj was involved in this case. Therefore, in view of the stand taken by the State and also clarification made by the State, the aforesaid anticipatory bail of Gurpreet Singh @ Gopi son of Harbans Singh was allowed vide Annexure P-2.

This Court had also directed the State to file a clarificatory affidavit in this regard vide order dated 21.01.2021. Thereafter, an affidavit of Simranjit Singh, PPS, Assistant Commissioner of Police, Industrial Area-

A, Ludhiana on behalf of the State of Punjab has been filed. In this affidavit Assistant Commissioner of police has clarified the issue with regard to the actual name of the father. In the affidavit it has been stated that the name of Gurpreet Singh @ Gopi was mentioned in the FIR but his father's name was inadvertently mentioned as Harbans Singh by the complainant. However, on the same day i.e. 10.09.2020 itself, the complainant made supplementary statement that the father's name of the said Gurpreet Singh @ Gopi had been wrongly given by him in the FIR and that actually the father's name of Gurpreet Singh @ Gopi was 'Des Raj' and not 'Harbans Singh'. Accordingly, father's name of the said Gurpreet Singh @ Gopi was corrected as 'Des Raj' on 10.09.2020 itself. In this regard, DDR No. 36 dated 10.09.2020 had been lodged as well. It has been further stated in the affidavit that the actual Gurpreet Singh @ Gopi who is the son of Des Raj is absconding.

The affidavit filed by the State is fully clarificatory and self explanatory. The name of Gurpreet Singh @ Gopi which had occurred in the FIR with father's name as Harbans Singh was an inadvertent mistake, thereafter, on the same day the name of the father was corrected from Harbans Singh to Des Raj and in that regard DDR was also recorded.

Therefore, contention raised by learned counsel for the petitioners that petitioners are in parity with the Gurpreet Singh @ Gopi who is son of Harbans Singh vide Annexure P-2 is totally misconceived.

The sole ground taken by learned counsel for the petitioners that he now stands at parity with Gurpreet Singh @ Gopi is therefore, not available with the petitioners. Consequently, the present petition is hereby dismissed.

25th February, 2021

Shivani Kaushik

[JASGURPREET SINGH PURI]

JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No