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

CRM-M-17391-2021

Date of Decision: 27.10.2021

Gurdeep Singh @ Kalli

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ranbir Singh Sekhon, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.173 dated 03.10.2020 registered under Sections 307 and 34 IPC and Section 25 Arms Act (Sections 353 and 186 IPC added later on) at Police Station Mamdot, District Ferozepur. The petitioner is in custody since his arrest on 28.10.2020.

The FIR was registered on the basis of a secret information and the allegations as noticed by the learned Judge, Special Court, Ferozepur in the order dated 16.03.2021 are as under:

“Brief facts of the case are that the present FIR has been registered against Gurdeep Singh, Lovepreet Singh, Sikandar Singh and one unknown person, on the basis of secret information that Gurdeep Singh alias Kali Shooter, Lovepreet Singh alias Lavi and Sikandar Singh alias Sonu alongwith one unknown person, all of the age group of 20-30 years indulge in sale of Heroin in the area of Police Station Lakho Ke Behram and Mamdot and today also they are supplying Heroin towards village Gajni Wala on two motor cycles make Splendor of Silver colour and Platina of Black colour and if they are searched in this area, they can be apprehended with Heroin and illegal weapons. On receiving the information, present FIR

has been registered. Thereafter, the STF team came to know that all the above said accused persons are waiting for their customers at Gajni Wala to Rao Ke Hithar Road and when the STF team reached village Rao Ke Hithar to arrest them, then all the accused persons ran in different directions. Accused Lovepreet Singh alias Lavi ran on foot, one unknown person ran away on motor cycle make Splendor and Heroin was recovered from conscious possession of accused Sikandar Singh alias Sonu and Gurdeep Singh alias Kali Shooter, who was having one country made pistol ran to the berm of canal. He was warned to surrender himself, but with intention to kill, he started firing towards the police party and in response, the police party also fired in air to apprehend the accused. Thereafter accused Gurdeep Singh alias Kali Shooter fired himself below his stomach on the left side with his own pistol. He was immediately taken to Civil Hospital, Guruharsahai. Thereafter during investigation accused/applicant was arrested on 28.10.2020 and he got recovered 20 grams of Heroin. Thus, the present bail application has been filed by the accused/applicant.”

Learned counsel for the petitioner has argued that the above

FIR was registered on the basis of a secret information, wherein it was revealed that the petitioner along with his co-accused is engaged in selling intoxicant material. He submits that strangely while acting upon the said information, the police has registered two FIRs i.e. for commission of offence against human body and the other FIR bearing No.122 dated 03.10.2020 for having in possession the intoxicant material, which falls within the ambit of NDPS Act. He submits that in the alleged occurrence, none of the police officials suffered any injury, whereas the petitioner suffered a gun shot injury. As per the prosecution, it was a self inflicted injury caused by the petitioner. He submits that the police has falsely implicated the petitioner and there is nothing to indicate the commission of offence punishable under Section 307 IPC and surprisingly, no offence punishable under Section 309 IPC has been incorporated in the FIR. He states that the petitioner and the other accused persons have already been released on regular bail in the connected FIR No.122 dated 03.10.2020. He

prays for bail.

The prayer is opposed by learned State counsel assisted by ASI Sukhchain Singh and according to him, the petitioner made an attempt to kill the police official by firing at him, however, none of the shot had hit the target. According to him, 20 grams of heroin was found in possession of petitioner and his co-accused, namely, Sikandar Singh was carrying 250 grams of heroin. However, all the accused have been released on regular bail. He, on instructions further states that the investigation in the present case is complete, but the trial is yet to commence.

After hearing the learned counsel for the parties, this Court finds that though the challan was presented on 23.01.2021, but the trial is yet to commence, therefore, it is evident that the conclusion of trial would take considerable time. The material prosecution witnesses are police officials and there does not seem any possibility of their being won over. Apart from it, the petitioner is presently confined in judicial custody after his arrest on 28.10.2020, therefore, his further custody would not serve any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, concerned.

27.10.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No