

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

213

CRM-M-18496-2021

Date of decision : 20.05.2021

GURPREET SINGH ALIAS GOPI

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. S.K.Choudhary, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

...

SUVIR SEHGAL, J. (ORAL)

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

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.05 dated 18.10.2020 under Section 3 of Railway Property (Unlawful Possession) Act, 1966 registered at Police Station RPF, Pathankot Cantt.

Counsel for the petitioner has contended that four false cases have been registered against the petitioner, who is an employee of the Department of Railways, due to Union rivalry. He has referred to para 9 of the petition to submit that all four FIRs have been registered against the petitioner within a period of three days on the allegation that he has stolen property of railways. Counsel submits that the alleged offence is triable by a Magistrate and co-accused Sunny, against whom similar

allegation has been levelled, has been released on regular bail by the Additional District & Sessions Judge, Pathankot vide order dated 23.11.2020 (Annexure P-2).

Opposing the petition, State counsel, upon instructions from Inspector Nitesh Salvi submits that the stolen items have been recovered from the petitioner, which shows his complicity in the offence. He has filed the Custody Certificate dated 19.05.2021 and has submitted that the petitioner is a habitual offender and does not deserve the concession of bail.

I have considered the rival submissions of the parties.

Keeping in view the above facts and circumstances, period of incarceration of the petitioners, nature of allegations, gravity of offences and the fact that the trial is at the initial stage, 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 concerned trial Court/Duty Magistrate. The petitioner shall furnish an undertaking to the effect that henceforth he will not indulge in any criminal activity. In case, petitioner violates the undertaking, it shall be opened to the prosecution to seek cancellation of his bail.

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

20.05.2021
Kamal

(SUVIR SEHGAL)
JUDGE

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