

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.24364 of 2021 (O&M)

Date of Decision:26.08.2021

(Heard through VC)

Gurpreet Singh @ Gopi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Jasev Singh Mehndiratta, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed for grant of regular bail to the petitioner in FIR No.77 dated 10.09.2020 registered under Sections 420, 465, 468, 471, 115, 506, 120-B IPC (Sections 408, 413, 414, 473, 201 IPC added later on) registered at Police Station Naya Gaon, District SAS Nagar.

Learned counsel appearing for the petitioner herein would contend that the petitioner was nominated as an accused in the instant FIR and the FIR bearing No.146 dated 17.08.2020 registered under Section 25 of the Arms Act and Section 120-B IPC at Police Station Central, Sector 17, Chandigarh, in which he is on bail. It is argued that the dispute arose between one Feroz Khan and the complainant-Sarup Singh regarding land transactions where allegations were made that Feroz Khan had forged cheques and withdrawn money from the account of the complainant. The said Feroz Khan was working with the complainant at some point of time

and thereafter parted ways. In fact, all allegations in the FIR were controverted by said Feroz Khan, which would allege that he had ample proof that he has already transmitted an amount of Rs.1.68 crores into the bank account of the family members of the complainant in Canada.

Learned counsel appearing for the petitioner Gurpreet Singh would argue that nothing is to be recovered from the petitioner and he has been nominated as an accused on the ground that his services had been hired for eliminating the complainant and his grandson. Consequent to which statement, he and Feroz Khan had been arrested in FIR No.146 dated 17.08.2020 registered under Section 25 of the Arms Act and Section 120-B IPC in which he has already been granted regular bail. He would further submit that the main accused under the current FIR has already been allowed regular bail by order dated 28.05.2021 passed in CRM-M No.15208 of 2021 after due consideration and as on date, the same has not been challenged. It is also submitted that the complainant already stands examined before the trial court under these very proceedings in which he clearly stated that he has not seen the present petitioner before and nor can he identify him.

Learned counsel for the petitioner would further submit that the petitioner is in custody since 14.09.2020 in the present case and as the material witness already stands examined and the main accused has already been released on regular bail, he prays for grant of concession of bail to the petitioner.

Learned counsel appearing on behalf of the respondent-State opposes grant of bail to the petitioner by contending that he is a known

gangster and has 19 more cases pending against him, which again is controverted by the counsel appearing on behalf of the petitioner by contending that out of 19 cases, he has been acquitted in 7 cases and is facing trial being on regular bail in others.

I have heard learned counsel for the parties and have perused the pleadings of the case, apart from going through the bail order of the co-accused against whom there are allegations under the said FIR of having committed forgery and cheating in land dealings and misappropriation of funds, which allegations have not been made against the present petitioner. Keeping in view the fact that the complainant has already been examined and stated that he had not seen petitioner before and the fact that the trial is likely to take some time to conclude, no purpose would be served in keeping the petitioner behind bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of personal/surety bond of Rs.2 lakhs each to the satisfaction of the concerned trial court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

August 26, 2021
Pankaj*

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No