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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.38139 of 2021 (O&M)

Date of decision: 20.09.2021

Gaurav Sharma @ Guru Bacha

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rajeev K. Kapila, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this 2nd petition is for grant of regular bail to the petitioner in FIR No.3 dated 01.05.2019 registered under Sections 377, 388, 389, 109, 115, 116, 120-B IPC at Police Station SSOC, S.A.S. Nagar Mohali, District Mohali.

The earlier one was dismissed on 15.07.2021, by passing a detailed order in CRM-M-35830-2020. The operative part of the said order reads as under:-

“Counsel for the petitioner has argued that the FIR was registered at the instance of a complaint received by the Inspector General of Police, Punjab, IGP Counter, Intelligence, Amritsar for taking action against the petitioner – Gaurava Sharma @ Goru Bacha and his accomplices on the complaint given by one inmate of Central Jail, Patiala, namely Kiranbir Singh, who has alleged that the petitioner is a gangster and is asking for Rs.20 lacs, failing which the complainant will be given beatings. It is further stated in the FIR that when the victim failed to pay the amount, the petitioner and his gang

members stopped him, put off his clothes and directed co-accused Lovepreet Singh @ Lalu, to commit unnatural sex with him and while Lovepreet Singh @ Lalu committed the offence, the petitioner made the videography on a phone and thereafter, the said video recording was sent to Rajan Kapoor, the then, Superintendent of Jail (co-accused). It is stated that the complainant on account of the act of sodomy suffered pain and remained under treatment.

It is further stated that there is a constant threat by the petitioner to pay the aforesaid amount and the entire incident has been committed in conspiracy with the jail officials.

Counsel for the petitioner has submitted that the Superintendent of Jail and some other employees of the jail have already been released on anticipatory bail whereas the petitioner is in custody for the last 01 year and 03 months. It is further submitted that the allegations of commission of offence under Section 377 IPC is not against the petitioner.

Counsel for the State has filed the Custody Certificate and as per the Custody Certificate, the petitioner is involved in as many as 13 FIRs wherein he is facing the trial.

A perusal of the Custody Certificate show that the petitioner is involved in cases registered under Sections 364, 302 IPC and other cases under Section 307, some cases under Sections 399 or 395 or 382 IPC.

A perusal of the Custody Certificate further show that the petitioner stands convicted in one case for a period of 10 years and in some cases, he has already undergone the sentence and in few cases, he stands acquitted.

After hearing the counsel for the parties, considering the antecedents of the petitioner as well as the nature of cases in which he stands convicted or is facing

the trial and in view of the allegation that inside the jail, he is running an extortion racket with his co-accused, I find no ground to grant the concession of regular bail to the petitioner.

Dismissed.”

There is no change in the circumstances.

Accordingly, the present petition is dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

20.09.2021

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No