

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.34628 of 2020
Date of Decision: November 11, 2021

Gurpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Manjit Singh Khaira, Senior Advocate with
Mr.Ripudaman Singh Sidhu, Advocate,
for the petitioner.

Mr.Ramdeep Partap Singh, 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.119 dated 02.06.2020, under Sections 392, 397, 307, 120-B IPC, 1860, Sections 307, 120-B IPC (added later on) and Section 25 Arms Act, 1959, registered at Police Station, Samana, District Patiala, who is in judicial custody after his arrest on 04.06.2020.

The contents of the FIR, as noticed by the Additional Sessions Judge, Patiala in his order dated 28.09.2020 while dismissing the bail application of the petitioner, are as under:-

“As per the prosecution version on 2.6.2020 complainant Mandeep Singh son of Sukhwinder Singh, resident of Village Dullar was going on his car make Breeza bearing registration No.PB11CD-6587 to his village Dullar. At about 1.30 p.m. after withdrawing the amount from Malwa Gramin Bank, Patiala and near Toll Plaza, one clean shaven person aged

about 25/30 years having a mask on his face took lift from him and near Adarsh Degree College, said person gave three fires with pistol towards him and snatched his car from him. He was admitted in hospital. So FIR was registered.....”.

Learned Senior counsel for the petitioner has argued that the petitioner has been falsely implicated in this case and no test identification parade was conducted to establish his identity as an accused in the alleged crime. According to him, though the investigation of the case is complete, but the trial is yet to commence as even charges have not been framed. He prays for bail.

On the other hand, learned State counsel assisted by ASI Agraj Singh, has opposed the prayer, who has argued that the petitioner took lift in victim's car and on the way requested him to stop the vehicle as he wanted to urinate, but when the vehicle was stopped, he fired at the complainant, who suffered multiple gun shot injuries and thereafter he left the victim there and took away his car. According to him, the vehicle belonging to the complainant was recovered from the petitioner. He has further produced the custody certificate by way of affidavit of Iqbal Singh Brar, PPS, Superintendent, District Jail Sri Muktsar Sahib, which indicates that the petitioner is involved in another case FIR No.63 dated 04.06.2020, under Section 382 IPC, Police Station, Passiana.

At this stage, learned Senior counsel for the petitioner has pointed out that this FIR No.63 dated 04.06.2020 relates to the same occurrence as according to the prosecution, after snatching the vehicle, he got it fueled at a petrol pump and committed the alleged crime punishable under Section 382 IPC. He submits that this case has been planted upon the petitioner. Learned Senior counsel reiterates his prayer for regular bail.

After hearing the learned counsel for the parties and considering the above background, this court is of the opinion that as per prosecution, the petitioner had caused grievous injuries to the victim and the vehicle snatched away from the complainant has already been recovered from his possession. The argument that no test identification parade has been conducted to establish his identity may not be relevant at this stage as the trial is yet to commence. Thus, considering the gravity of the offence, but without expressing any opinion on the merits of this case, no ground is made out for releasing the petitioner on regular bail, at this stage.

Dismissed.

November 11, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No