

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

CRM-M-36247 of 2020

DATE OF DECISION :- February 26, 2021

Gurpreet Singh Sian

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. M.S. Khaira, Sr. Advocate
with Mr. Ripudaman Sidhu, Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

This petition for regular bail has been filed by petitioner Gurpreet Singh Sian son of Sohan Singh, aged 25 years, resident of village Daba, P.S. Guhla, Tehsil Guhla, District Kaithal, an accused in F.I.R. No. 63 dated 4.6.2020 registered with Police Station Pasyana, District Patiala for offence under Section 382 IPC.

Briefly stated the prosecution story is that on 2.6.2020 at about 1.40 P.M. petitioner accused had gone to Krishna Filling Station, Samana Road, village Kakrala for the purpose of getting petrol filled in his Car bearing registration No. PB-11CD-6587. Accordingly, 25 liters of petrol was filled and when the salesman demanded the price of petrol so filled to the tune of Rs.1600/-, the petitioner threatened him by brandishing a pistol and sped away the Car without paying the price of petrol.

On matter being reported to the police, formal F.I.R. was registered. Petitioner was arrested in this case on 29.6.2020. On completion

of investigation, challan against the accused has been filed and as informed by the State counsel the next date fixed in the trial Court is 5.3.2021 for consideration on the point of framing of charge. The petitioner had filed an application for grant of regular bail to the Court of learned Sessions Judge at Patiala, however, the same was dismissed vide order dated 13.10.2020, as such he has approached this Court craving for grant of similar relief, which request is being opposed by the learned State counsel.

I have heard learned Senior counsel for the petitioner and learned State counsel besides going through the record.

Learned Senior counsel for the petitioner has contended that the petitioner is not named in the F.I.R; no identification parade was organized to get the petitioner identified from the eyewitnesses; there is delay of two days in lodging the F.I.R; nobody had suffered any injury in the incident; the petitioner is behind bars for a period of 7 months and the conclusion of trial is likely to take some time, as such he be granted regular bail. Whereas, learned State counsel has opposed the request vehemently contending that the petitioner is involved in another case registered bearing F.I.R No. 119 dated 2.6.2020 under Sections 392, 397 IPC and Section 25 of the Arms Act with Police Station Sadar Samana, District Patiala on the allegations that he had snatched Car in question by firing 3-4 shots on a person who was travelling in that Car and thereafter had taken it into petrol pump, got fuel therein and left without paying the price of the petrol while threatening the salesman therein. Although the petitioner is stated to be involved in another criminal case but it shall be dealt with separately in that matter.

As far as the present petition is concerned, after hearing the rival contentions and without going into the details with regard to merits of

the case and considering the fact that the petitioner is behind bars for about 7 months and considering the fact that charge is yet to be framed and conclusion of trial will take considerable time, in my considered view it deserves to be accepted and it is hereby allowed. Petitioner Gurpreet Singh Sian is ordered to be released on bail on his furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Patiala subject to the following conditions :-

- (i) he shall appear in the Court on each and every date of hearing.
- (ii) he shall not give any threat or intimidation to the prosecution witnesses.
- (iii) he shall not leave India without prior permission of the Court and shall surrender his Passport, if he has got one, otherwise to furnish affidavit in that regard.
- (iv) he shall not indulge in any criminal activity.
- (v) he shall join the investigation as and when directed by the Investigating Officer.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

(H.S. MADAAN)
JUDGE

February 26, 2021
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No