In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-2617-2022 (O&M)
Date of Decision:- 15.2.2022

Gurpreet Singh @ Gopi .... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vivek Salathia, Advocate, for the petitioner.

Mr. M.S.Dullat, Addl. AG, Punjab.

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GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.0018 dated 26.3.2019 at Police Station Bajakhana, District Faridkot under Sections 379-B/323/148/149 of Indian Penal Code and Sections 25/27 of Arms Act.

2. The FIR was lodged at the instance of Rajesh Kumar, wherein it is alleged that he is working at Kissan Petrol Pump, Bargari. On 25.3.2019 at about 9:30 p.m. a white coloured car came to the petrol pump in which there were 4 occupants. While one of them went

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towards cooler for getting water in his bottle, another person asked him to fill diesel worth Rs.200/-. Upon filling the said diesel when the complainant demanded money then one of them took out a revolver and asked him to hand over the entire amount and on account of which he took out Rs.2,500/- from his pocket and handed over the same to the said person. He was, however, hit on his head by the said person with butt of the revolver. The other persons ran towards the other employees namely Mahinder Singh and Vimal Kumar and forced them to part with an amount of Rs.12,000/- while brandishing revolvers.

3. Learned counsel for the petitioner has submitted that the petitioner is nowhere named in the FIR and has been nominated as an accused on the basis of a disclosure statement made by the petitioner himself while he was in custody in another case i.e. in FIR No.29 dated 27.3.2019 registered under Sections 420 and 473 of Indian Penal Code. Learned counsel has submitted that no evidentiary value can be attached to such like statement and that in these circumstances, the petitioner who has been behind bars since the last about 2 years and 9 months deserves the concession of bail.

4. Opposing the petition, learned State counsel has submitted that the petitioner is a seasoned criminal having been involved in around 3 other cases. Learned State counsel has, however, informed that the petitioner has been behind bars since the last about 2 years and 9 months and that the trial has started afresh upon a co-accused having been arrested and supplementary challan having been submitted. It

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has further been submitted that although the petitioner came to be nominated on the basis of disclosure statement made by the petitioner himself, but subsequently he has been identified by the complainant. It has also been submitted that as on date 1 out of the cited 12 PWs has been examined.

5. I have considered rival submissions addressed before this Court.

6. Having regard to the fact that the petitioner is not named in the FIR and came to nominated on the basis of a disclosure statement and while also noticing that the petitioner has been behind bars for a substantial period of about 2 years and 9 months and that conclusion of trial is likely to consume time as one 1 out of the cited 12 PWs has been examined, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

15.2.2022 **(GURVINDER SINGH GILL)**
Mohan **JUDGE**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No

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