

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

220

CRM-M-8385 of 2022
Date of decision:30.11.2022

Gurpreet Singh @ Gopi

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Amit Khari, Advocate for
Mr. Ramnish Puri, Advocate
for the petitioner.

Mr. Jashanpreet Singh, DAG, Punjab.

SUVIR SEHGAL, J. (Oral)

This is the first petition filed by the petitioner under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.45, dated 01.04.2021 registered for offences under Sections 436/379- B/354/506/148/149 of IPC, 1860, (Section 201 of IPC was added later on) at Police Station Nihal Singh Wala, District Moga (Annexure P-1).

As per the case of the prosecution, FIR (Annexure P-1), has been registered on the statement of Honey Kumar, wherein he stated that he is a resident of Vancouver (Canada) and had come to India for two months as there was a marriage in his family. On 31.03.2021, he had gone to the village of his grand-mother to pick her up and when he was reversing the vehicle, Gurpreet Singh @ Gopi, (present petitioner) who was armed with a baseball bat, Gobind Singh @ Kundan, who had a kirch, Sandeep Singh carrying a hockey stick, Gurdeep Singh @ Bohar Singh, who had a stick

and Krishan Singh @ Palli, who had a baseball bat, picked up a quarrel with him on a trivial issue. They physically assaulted him and Gurpreet Singh @ Gopi and Sandeep Singh picked a black bag belonging to his wife from the vehicle. Gurdeep Singh @ Bohar outraged her modesty. Krishan Singh @ Palli and Gobind Singh @ Kundan damaged the vehicle with brickbats. On an alarm raised by them, when people started gathering, the accused fled away threatening them and set his vehicle on fire.

Counsel for the petitioner has contended that there is no specific attribution qua petitioner, though he is alleged to be armed with a baseball bat. He submits that although the petitioner is accused of having stolen the bag from the vehicle, but the same has not been recovered from him. He submits that petitioner is in custody since April, 2021 and despite the fact that charge was framed in August, 2021, none out of the 18 prosecution witnesses has been examined. While making a reference to the order dated 21.11.2022 passed by this Court in CRM-M-1312 of 2022, he submits that the complainant has gone back to Canada.

Per contra, State counsel, upon instructions from ASI Gurnaib Singh, has opposed the petition and has submitted that the petitioner alongwith co-accused had created a situation of terror, by not only setting ablaze in the vehicle belonging to the complainant, but also collectively inflicting injuries on him. He has opposed the petition by highlighting the criminal past of the petitioner.

Having considered the respective submissions made by counsel for the parties, this Court is *prima facie* of the view that length of custody of

more than 20 months, entitles the petitioner to be released on bail as the trial is at the nascent stage and is not likely to conclude in near future. Insofar as criminal antecedents of the petitioner are concerned, this Court deems it fit to impose appropriate conditions.

In view of the above, but without adverting to the arguments addressed by the counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

While being released on bail, petitioner shall furnish an undertaking by way of an affidavit to the Trial Court to the effect that henceforth, he will not get involved in any criminal activity. In case, he violates the undertaking, liberty is granted to the State to seek cancellation of bail.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case

November 30, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes