

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

CRM-M No. 13989 of 2022

Date of Decision: 07.04.2022

Karambir Sandhu alias Gurpreet Goppi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Manvinder Singh Sidhu, Advocate,
for the petitioner.

Ms. Bhavna Gupta, Deputy Advocate General, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition under Section 439 Cr.P.C., seeks grant of regular bail in case FIR No. 208 of 24.07.2020, which was registered against him, at Police Station Shahkot, District Jalandhar, constituting therein offences under Sections 307, 379-B (2), 341, 34 of the IPC, and, under Section 25/54/59 of the Arms Act.

2. The bail applicant-petitioner is stated to be suffering judicial incarceration since 06.09.2020.

3. Apart from the present petitioner, the other co-accused alongwith him, are one Lovpreet, and, one Rajandeep. The incriminatory role attributed to the bail petitioner in the FIR (supra), is that of his carrying on the motorcycle, driven by him both the afore to the crime site, hence his facilitating, by the above co-accused, the commission of the offences embodied in FIR (supra).

4. However, the principal accused in the FIR (supra), is one Rajandeep, inasmuch as qua him the prosecution alleges, that he wielded a pistol, and, that therefrom he fired a shot on the thighs of the victim.

However, the above principal accused, has become arrested, and, is still in

judicial custody.

5. The factum of the principal accused being not yet enlarged on bail, would not hinder this Court, rather to allow the present petition, as, the role of the petitioner herein, is not as grave, nor as heinous, to the one as assigned to the principal accused, one Rajandeep. Contrarily, the present bail petitioner is assigned an incriminatory role, of only his facilitating the commission of offence (supra), by above, at the crime site through his carrying, the co-accused at the relevant time, at the crime site, rather on his motorcycle.

6. Moreover, since at the instance of one Rajandeep, all the requisite recoveries have been effected to the IO concerned, during the course of latter holding investigation into FIR (supra), and, obviously when no recoveries are required to be effected from the bail applicant, nor, when want of theirs at the instance of him, to the IO concerned, rather no offence under Section 201 of the IPC, can become added against him.

7. Bearing in the mind the afore, and, also when the bail petitioner is suffering judicial custody since 06.09.2020, and, also besides when no evidence has been adduced by the prosecution, that in the event of the bail applicant being enlarged on regular bail, there is every likelihood of his fleeing from India, and, or, tampering with prosecution evidence. Consequently, this Court does not deem it fit to order for any prolongation of the judicial incarceration of the petitioner. Contrarily, it is deemed appropriate to admit him to bail.

8. Consequently, the instant petition is allowed, and the bail applicant – petitioner is ordered to be released from judicial custody, on his

furnishing, within one week, personal and surety bonds in the sum of ₹ 50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and/or not influencing prosecution witnesses, and, also his appearing before the trial Court concerned as and when he is required to be making his personal appearance unless validly exempted.

April 07, 2022
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(SURESHWAR THAKUR)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>