

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-23843-2022 (O & M)****Date of decision: 10.08.2022**

Gurpreet Singh @ Gauri

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Chandan Singh Rana, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in a case FIR No.48 dated 17.04.2021 under Sections 323/379-B and Sections 411/395/397/201 IPC (added later on) registered with Police Station Lohan, District Jalandhar.

The present FIR came to be registered at the instance of Harwinder Singh, who stated that they were two brothers and the other one is named Gurdeep Singh. On 10.04.2021, while both of them were coming to their village Null from village Lohia on their motorcycle bearing No.PB-09-S-9152, make Bullet, black colour, then at about 9.30 p.m., when they reached near Beriyawala Bagh, a little ahead from village Manak, they saw 2/3 motorcycles coming from village Null side towards them very fast. When they tried to turn a little further from Beria Bagh, the driver of one motorcycle on which three young men were riding with their faces were covered, struck their motorcycle. His (complainant's) motorcycle got

unbalanced and stopped. The unidentified motorcyclists, approximately 7-8 in number, came to them and stopped their motorcycles. One of them hit him (complainant) with iron bracket worn on his hand. While he fell down the rest of the unknown youths started kicking him. His brother-Gurdeep Singh started shouting and one of other young men picked up their motorcycle, kick-started it and took it to village Mannan. Thereafter, he and his brother-Gurdeep Singh walked to the village.

The learned counsel for the petitioner contends that the FIR was registered against unknown persons and as such, the identity of the accused is not clear from the FIR as no physical description of the assailants was given. The petitioner has been nominated on the basis of the confessional statement of his co-accused, which is inadmissible in evidence. In fact, the co-accused Jaswinder Singh and Jora Singh were arrested in FIR No.81 dated 08.05.2021 under Sections 379, 392, 188 IPC and Sections 25-54-59 of the Arms Act, Police Station Shahkot and during interrogation, in that case, they confessed about their involvement in the present occurrence. Pursuant thereto, the present petitioner came to be arrested alongwith the other co-accused. Further, there is a delay of more than 06 days in lodging of the FIR, which remains unexplained. He contends that the investigation stands completed and none of the 14 prosecution witnesses have been examined so far and since the petitioner is in custody since 15.06.2021 and some of his co-accused have been granted the concession of bail vide orders Annexures P-2 and P-3 respectively, the petitioner also deserves the aforesaid concession.

The learned counsel for the State has opposed the bail application stating that the petitioner alongwith his co-accused have committed a serious offence for which no leniency should be done to him.

The offence is well-proved from the statements of witnesses and at this juncture, if the petitioner is granted bail, he is likely to tamper with the evidence or influence the witnesses, and therefore, does not deserve the concession of bail.

I have heard the learned counsel for the parties.

Admittedly, the petitioner is in custody since 15.06.2021. The report under Section 173 Cr.P.C. stands filed and none of the 14 prosecution witnesses have been examined so far. Some of the co-accused of the petitioner, namely Jaswinder Singh and Jora Singh have been granted the concession of bail vide orders, Annexures P-2 and P-3 respectively. There is one other FIR registered against the petitioner i.e. FIR No.81 dated 08.05.2021 under Sections 379, 392, 395, 188 and 411 IPC with Police Station Shahkot, Jalandhar, in which, he has been granted the concession of bail vide order dated 18.04.2022 passed by this Court (Annexure P-4). Since the trial, in the present case, is not likely to be concluded in the near future, therefore, the further incarceration of the petitioner is, as such, not required.

Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Gurpreet Singh @ Gauri, is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

- (i) The petitioner shall appear on the first Monday of every month before the local police station till the conclusion of the trial and furnish an affidavit each time that he is not involved in any case other than the case referred to hereinabove.
- (ii) If any attempt whatsoever is made by the petitioner and/or his family members/friends to contact/

threaten/intimidate any of the witnesses of the present occurrence, the State/complainant shall be at liberty to move an application for cancellation of bail granted vide this order.

(JASJIT SINGH BEDI)
JUDGE

August 10, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No