

CRM-M-37252-2020

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

CRM-M-37252-2020 (O & M)

Date of decision:08.08.2022

Gurpreet Singh alias Guri

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. M.S.Saini, Advocate,
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

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Allowed as prayed for. Annexure P-5 is taken on record,
subject to all just exceptions.

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Through this petition, the petitioner seeks regular bail in case
FIR No.380 dated 31.10.2019, registered at Police Station Phillaur, District
Jalandhar, under Sections 302 and 120-B IPC, Sections 25 and 27 of the
Arms Act, 1959 and Sections 212 and 216 IPC (added later on).

Learned counsel for the petitioner contends that the above-
noted FIR was registered on 31.10.2019, against one Parminder Singh @
Rinku and three unknown persons; that on 01.11.2019, supplementary
statement of the complainant was recorded wherein he had named one
Navepreet Singh @ Nav; that Parminder Singh @ Rinku has not been
challaned by the police; that the petitioner was neither named in the FIR
nor in the supplementary statement of the complainant; that on 17.01.2020,

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co-accused Kamaljeet Singh @ Kamal was arrested in another FIR No.11 dated 15.01.2020, under Sections 482 and 411 IPC and Section 25 of the Arms Act, 1959 and while in custody, he had suffered a confessional statement qua the murder of Harpreet @ Chintu and also named five persons i.e. Harpreet @ Tiddi (died on 06.01.2020), Iqbal @ Pala @ Jagga, Satwant @ Jaswant @ Jassa, Gurpreet @ Guri (petitioner) and Anuj Arora, who were also involved in the present case.

Learned counsel further contends that complainant-Charanjit Singh, father of the deceased, has also expired and that the petitioner has been implicated in the present case on the basis of the disclosure statement of co-accused Kamaljeet Singh Kamal; that co-accused, Harpreet Singh @ Tiddi, who was allegedly the main connecting link between the petitioner and the main conspirator Navpreet @ Nav, has already expired; that the petitioner has been in custody since 19.02.2020; that the challan stands presented, but the charges are yet to be framed; that co-accused Ashish Arora @ Ashu @ Ashish Kumar Arora has since been granted the concession of regular bail by a Coordinate Bench, vide order dated 19.05.2020 passed in CRM-M-10681-2020, and that there is no other case registered or pending against the petitioner.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner had actively participated in the occurrence; that there were three bullet injuries suffered by the deceased, and that revolver used by the petitioner in the commission of the offence, has been recovered from co-accused Ashish Kumar. However, learned State counsel does not dispute the custody period of the petitioner and the fact that the charges have not been framed so far.

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I have heard the learned counsel for the parties.

The petitioner was neither named in the FIR nor in the supplementary statement of the complainant. The petitioner has been indicted in the present case on the disclosure/confessional statement made by co-accused Kamaljeet Singh Kamal in another case i.e. FIR No.11 dated 15.01.2020. There is no other case registered or pending against the petitioner.

The petitioner has been in custody since 19.02.2020. The charges are yet to be framed and the prosecution has cited as many as 28 witnesses. As such, trial is unlikely to conclude any time soon. As noticed above, co-accused Ashish Arora @ Ashu has since been released on regular bail. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

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Since the petitioner has been ordered to be released on regular bail, the present application has become infructuous.

Dismissed as having become infructuous.

08.08.2022

parveen kumar

**(HARNARESH SINGH GILL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No