

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

CRM-M-44782-2021 (O&M)

Date of decision: 12.05.2022

Gurpreet Singh @ Gopi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. P. K. Bansal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 153 dated 13.12.2020, registered under Sections 457, 380 of the IPC (Sections 411, 120-B IPC added later on) at Police Station Sadar Zira, District Ferozepur.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant Vikram Gupta, it is alleged that he is having a godown of liquor vend (L-1). On 13.12.2020, in the morning, when he opened the gate of the godown, there was a hole in the wall and some boxes of liquor were missing, value of which was stated to be Rs. 10.85 Lakh.

Learned counsel further submits that in fact the petitioner on an

earlier point of time had filed a Habeas Corpus petition bearing CRWP-10886-2020 before this Court seeking release of his father and father-in-law, who were detained by the police and in that case, notice of motion was issued on 24.12.2020.

Learned counsel further submits that thereafter, the petitioner was involved in as many as 12 more FIRs, which were registered prior to registration of the present FIR, by naming the petitioner in all the cases.

Reply, filed by way of affidavit of the DSP, Zira, is on record, wherein after verifying the contents of the FIR, it is stated that on the basis of the supplementary statement of the complainant, Ravi s/o Jagdish, Zora, Ravi s/o Raj Kumar, Ajay @ John, Goldy, Raman and petitioner Gurpreet Singh were nominated as accused. The petitioner was also arrested and four boxes of liquor were recovered and offence under Section 411 IPC was added.

In reply, learned counsel for the petitioner submits that the statement of the complainant stands recorded and in his deposition as PW-1, he has stated that he does know who committed the theft in his godown. He also stated that he has not made any statement against the petitioner. This witness was declared hostile and in the cross-examination by the public prosecutor, this witness has not even supported the prosecution version.

As per custody certificate filed today in Court, the petitioner is in judicial custody for the last 01 year, 03 months and 12 days.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid facts and circumstances, the instant petition is allowed. The

petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqua Magistrate, concerned.

12.05.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No