

214 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42384-2022

Date of Decision: September 20, 2022

GURPREET SINGH ALIAS GOPI

....Petitioner(s)

VERSUS

STATE OF PUNJAB

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Hitesh Chopra, Advocate
for the petitioner.

Mr. M.S. Atwal, AAG, Punjab.

AMAN CHAUDHARY, J.(ORAL)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.0098 dated 09.08.2022 under Sections 25/54/59 Arms Act 1959, registered at Police Station Division No.1, District Pathankot.

Learned counsel submits that the petitioner has not been named in the FIR and it is based on the disclosure statement of co-accused Ranjit Singh made that his name has surfaced. He further submits that the reason of his false implication in the case is an old political rivalry. He further submitted that he has been in custody for more than one month.

Learned State counsel submits that pursuant to the disclosure statement made by the petitioner, .32 bore pistol with three live cartridges was recovered from him for which he was unable to produce any licence or permit. He further submits that there is another FIR against him under the Arms Act, wherein the petitioner is on bail. Learned State counsel has

produced custody certificate as per which the petitioner has been in custody for 01 month and 06 days.

Learned counsel for the petitioner relies on “**Maulana Mohd. Amir Rashadi Vs. State of U.P. and Another, 2012(1) R.C.R. (Criminal) 586**” and this Court in “**Rajinder Singh Vs. State of Haryana in CRM-40431-2021 in CRA-D-1640-DB-2014**”, wherein it has been held that criminal antecedents alone are not sufficient to deny bail to an accused and the evidence available in each case ought to be seen as well.

In rebuttal the learned counsel for the petitioner submits that while live cartridges were recovered in the other case, no weapon was recovered from him except a toy pistol. In this regard reference has been made to order dated 08.08.2022, Annexure P-4, wherein it is so recorded, which reads thus:-

“The alleged recovery has already been effected and even which included cartridges only with no weapon and just a toy. There has not been any complaint with the police even against the accused of any extortion etc or like offence. So in such circumstances, it would be in larger interest of justice and investigation and even in the fitness of things as well that accused applicant be directed to join the investigation.”

Keeping in view the facts and circumstances of the case, especially the fact that the petitioner was not named in the FIR; he is involved in this case on the basis of the disclosure statement of co-accused; petitioner is in custody for the last more than one month; the trial is likely to take some time, his further detention behind bars would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

Resultantly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to him not being required in any other case. The petitioner shall abide by the following conditions:-

“1. The petitioner will not tamper with the evidence during the trial.

2. The petitioner will not pressurize/ intimidate the prosecution witnesses.

3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.

4. The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.

5. The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.

6. The petitioner shall not in any manner misuse his liberty.

7. Any infraction shall entail in withdrawal of the benefit granted by this Court.”

This Court makes it clear that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

20.09.2022

Sangeeta

**(AMAN CHAUDHARY)
JUDGE**

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No