

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

209

CRM-M-43259-2020
Date of Order: 15.03.2022

GURPREET SINGH @ BILLA

..Petitioner

Versus

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. K.S. Brar, Advocate
for the petitioner.

Ms. Anju Sharma Kaushik, DAG, Punjab.

ANIL KSHETARPAL, J(Oral)

This is petitioner's third attempt to get bail pending trial in a criminal case arising from FIR No.132, dated 30.12.2017, registered under Section 302, 182, 211, 120B, 34 IPC, at Police Station, Sadar Rampura, District Bathinda.

On 17.08.2020, while dismissing the second petition for grant of bail, the following was order:-

“This is second petition filed under Section 439 Cr.P.C. for grant of regular bail pending trial to the petitioner in a criminal case arising from FIR No.132 dated 30.12.2017, registered under Section 302, 182, 211, 34 &120-B IPC, 1860, at Police Station Sadar Rampura, District Bathinda.

In the beginning, the FIR was registered on the statement of Sarabjit Kaur (daughter of deceased Mahinder Singh) wife of Harjinder Singh alleging that on 29.12.2019 at about 10.30 P.M., her father Mahinder Singh has been murdered by Sukhdev Singh son of Karam Singh, Gurdeep Singh son of Iqbal Singh and Hardeep Singh son of Sukhdev Singh. During the investigation, the police found that the case set up by the first informant is incorrect and in fact, Jaman Singh (son of the deceased) with the help of Gagandeep Singh alias Gagna and Gurpreet Singh alias Billa has committed murder of his own father and in order to put pressure, the accused above referred were named in the FIR. No

doubt, at one stage, the Investigating Agency filed an application for discharge of the petitioner, however, the same was found to be without any justification and hence, rejected by the Court. Thereafter, the supplementary challan under Section 173(8) Cr.P.C. was presented against the petitioner also by the police and the charges have been framed by the Trial Court on 26.02.2020.

This Court has heard learned counsel for the petitioner as well as learned counsel representing the State of Punjab.

Learned counsel for the petitioner has submitted that the petitioner was declared innocent by the Prosecuting Agency and therefore, the petitioner, who is in custody for a period of two years, should be released on bail.

On the other hand, learned State counsel has submitted that the first informant and her family members, in collusion with the petitioner, had tried to falsely implicate Sukhdev Singh and others in a murder case because Gurdeep Singh son of Iqbal Singh had registered an FIR against Jamman Singh on 30.10.2017. He further submitted that the petitioner is a habitual offender.

This Court has considered the submissions. No doubt, at one stage, the prosecution had declared the petitioner innocent, however, once his application for his discharge was dismissed by the trial Court, a supplementary challan has been presented by the police against him. Still further, as per the affidavit of the Deputy Superintendent of Police, the petitioner is a habitual offender involved in as many as eight criminal cases.

In para 15 of the petition, the detail of the cases pending against the petitioner have been enumerated, which is extracted as under:-

Sr. No.	Details of the FIR
1	FIR No. 342 dated 19.12.2015, under Section 61/1/14 of the Excise Act, Police Station Kotwali, Bathinda.
2	FIR No. 20 dated 01.04.2015, under Section 61/1/14 of the Excise Act, Police Station, Kotdharu, District Mansa.
3	FIR No. 85 of 2016, Under Section 451, 452, 427, 323, 148 & 149 IPC, Police Station Canal Colony, Bathinda.
4	FIR No. 59 dated 06.07.2017, under Section 323, 325, 341, 148 & 149 IPC, Police Station Kotwali, Bathinda.
5	FIR No. 79 dated 19.09.2009, under Section 324, 452 & 120-B IPC, Police Station Sadar, Bathinda.
6	FIR No. 143 dated 29.06.2018, under Section 307, 336,

	325, 323 & 120-B IPC and Section 25 of the Arms Act, 1959, Police Station Maur.
7	FIR No. 45 dated 02.09.2019, under Section 365, 341, 451, 3, 82, & 506 IPC, Police Station Mansa
8	FIR No. 132 dated 30.12.2017, under Section 302, 1, 82, 211, 34 & 120-B IPC, Police Station Sadar, Rampura.

Keeping in view the aforesaid facts, this Court is not inclined to grant bail to the petitioner. Dismissed. ”

The learned counsel contends that the petitioner has been implicated on the statement of Gurpreet Singh. He submits that the Police, after investigation found the petitioner innocent and Gurpreet Singh while appearing in the Court in evidence did not support the case of the prosecution and was declared hostile. He further claims that the petitioner is in custody for the more than last two years.

On instruction from ASI Sukhmander Singh, the learned State counsel does not dispute that Gurpreet Singh, the prosecution's witness did not support its case.

Keeping in view the aforesaid development, further incarceration of the petitioner does not appear to be appropriate.

The conclusion of the trial is likely to take a long time. Hence, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the trial Court/Duty Magistrate.

Accordingly, the petition is allowed with the aforesaid directions.

All the pending miscellaneous applications, if any, are also disposed of.

March 15th, 2022

(ANIL KSHETARPAL)
JUDGE

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Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No