

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

CRM-M-48827-2021(O&M)
Date of decision:-25.4.2022

Gurpreet Singh @ Gopi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr.A.S. Manaise, Advocate
for the petitioner.

Mr.Anmol Singh Sandhu, AAG, Punjab.

H.S. MADAAN, J. (ORAL)

CRM-12991-2022

This is an application for placing on record bail orders of co-accused as Annexure P5 to Annexure P-8.

The application is allowed and documents are taken on record, subject to all just exceptions.

CRM-M-48827-2021

As per the status report received from the trial Court, the eye-witnesses of the incident have since been examined.

This second petition for regular bail has been filed by

petitioner Gurpreet Singh @ Gopi, aged about 21 years, resident of village Mochpur, Tehsil & District Gurdaspur, an accused in FIR No.138 dated 8.10.2020, under Sections 324, 323, 148, 149 IPC (Section 307 and 326 IPC added later on), Police Station Bhaini Mian Khan, District Gurdaspur.

Briefly stated, the facts of the case, as per the prosecution story are that on 2.10.2020 at about 11:30 a.m., Manga son of Kala, Bau son of Bhan Singh empty handed, Mangal Singh son of Sucha Singh armed with a datar, Dilbagh Singh son of Harbhajan Singh armed with a datar, petitioner Gurpreet Singh @ Gopi son of Sucha Singh armed with a dang, Labha son of Pappa also having a dang, assaulted the complainant Sewa Singh causing multiple injuries to him. The injured was taken to Civil Hospital, Gurdaspur from where he was referred to hospital at Amritsar and then to New Life Hospital, Amritsar. On the basis of statement made by complainant Sewa Singh to the police, formal FIR was registered. Accused including the present petitioner Gurpreet Singh @ Gopi were arrested in this case. After completion of investigation and other formalities, challan has been filed against the accused and they are facing trial.

The petitioner had approached the Court of Sessions at Gurdaspur by moving an application seeking regular bail, which was assigned to Additional Sessions Judge, Gurdaspur. However, his such application was dismissed by learned Additional Sessions Judge, Gurdaspur on 15.1.2021. Thereafter, the petitioner/accused had approached this Court earlier craving for grant of similar relief by filing CRM-M-5576-2021, which was however withdrawn on 30.6.2021, copy

of order being Annexure P4. Now he has come to this Court for the second time craving for that very relief of regular bail, which request is being opposed by the State counsel.

I have heard learned counsel for the parties besides going through the records.

Learned counsel for the petitioner has argued that only simple injury has been attributed to the present petitioner Gurpreet Singh @ Gopi, whereas injury, which had been declared to be dangerous to life is attributed to co-accused Mangal Singh; the eye-witnesses have since been examined during the trial; the co-accused of petitioner, namely, Manga @ Mangal Singh has been granted concession of pre-arrest bail by this Court vide order dated 6.1.2021, copy of order being Annexure P5.

Learned State counsel has placed on record custody certificate of the petitioner showing that he has undergone a period of 1 year and 5 months of custody in this case.

Although the petitioner is shown to be involved in three more criminal cases one of which being FIR No.13 dated 6.1.2022, under Section 42/52-A Prison Act, P.S. Islamabad, other is FIR No.51 dated 4.9.2018, under Sections 326, 324, 323, 148, 149 IPC, PS Bhaini Mian Khan. As regards third FIR No.157 dated 16.11.2020, under Sections 363, 366, 498, 120-B IPC, PS Bheni Mian Khan, the petitioner has been acquitted by the Court on 7.1.2022.

Considering all the facts and circumstances of the case including the fact that eye-witnesses of the incident have since been examined, as such there could not be any apprehension of petitioner trying to influence or intimidate the eye-witnesses and conclusion of trial is

likely to take some time; furthermore the nature of injury being attributed to the petitioner being simple, I am of the view that the petitioner deserves to be granted concession of bail, although on stringent terms and conditions. Therefore, the petition is allowed and the petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Gurdaspur, subject to the following conditions:

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses;
- (iii) he shall not indulge in any criminal activity;
- (iv) he shall join the investigation as and when directed by the Investigating Officer;
- (v) he shall not leave India without prior permission of the Court; and
- (vi) he shall get his presence marked in the local police station on every Saturday of the week between 11:00 a.m. to 2:00 p.m. so that an eye can be kept on his movements and he is deterred from indulging in any criminal activity.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

25.4.2022
Brij

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No