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

CRM-M-20587-2023 (O&M)

Date of Decision: 13.07.2023

Gurcharan Singh alias Rinka

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Achin Gupta, Advocate,
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.116 dated 07.04.2022, under Sections 307/34 of the IPC (Section 120-B IPC added later on) and Sections 25/27 of the Arms Act (Charge under Sections 307, 148, 149 & 120-B IPC), registered at Police Station City Faridkot, District Faridkot.

2. It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 19.11.2022 and it is a case where earlier the trial had commenced but the same did not commence qua the present petitioner since he was not apprehended and the trial had commenced qua two of the co-accused, namely, Harmanpreet Singh @ Keera and Shamsher Singh @ Shera. He further submitted that it is a case of no injury caused to anybody and the allegations are based upon the hatching of conspiracy between the co-accused and the petitioner. He also submitted that the

aforesaid two accused have since been acquitted by the learned Sessions Judge, Faridkot on 11.01.2023 by observing that the prosecution had failed to prove beyond the shadow of doubt that the accused including the present petitioner hatched a criminal conspiracy to commit murder of the Sandeep Singh @ Mani. He further submitted that in view of the aforesaid position and considering the fact that the present allegations are pertaining to hatching of conspiracy but neither any recovery has been made nor any injury has been caused to anybody, and therefore, has prayed that the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. Sarabjit Singh Cheema, learned DAG, Punjab submitted that it is correct that the petitioner is custody since 19.11.2022 and the aforesaid co-accused, namely, Harmanpreet Singh @ Keera and Shamsher Singh @ Shera have already been acquitted by the learned Sessions Court but he has opposed the bail on the ground that the petitioner is a habitual offender and is involved in as many as 11 more cases and out of which now 6 cases are pending against him.

4. I have heard the learned counsels for the parties.

5. The petitioner is stated to be in custody since 19.11.2022. The other co-accused, namely, Harmanpreet Singh @ Keera and Shamsher Singh @ Shera have been acquitted by the learned Sessions Court and it has been so observed that the prosecution has failed to prove any conspiracy amongst the co-accused and the petitioner. The mere fact that six more cases are pending against the petitioner, does not disentitle him for the grant of regular bail.

6. Therefore, in view of the aforesaid facts and circumstances of

the case, this Court deems it fit and proper to grant regular bail to the petitioner. Consequently, the present petition is allowed and the petitioner is ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

13.07.2023 (JASGURPREET SINGH PURI)
Bhumika JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |