

CRM-M-33267-2023 (O & M)
(220)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CRM-M-33267-2023 (O & M)
Date of decision: 06.12.2023

Gurpreet Singh alias Gopi

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Umesh Aggarwal, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this petition under Section 439 Cr.P.C. is for the grant of the regular bail to the petitioner in case FIR No.226 dated 19.10.2018 under Sections 307, 148, 149, 120-B IPC and Sections 25/54/59 of the Arms Act, 1959 registered at Police Station Jandiala, Amritsar.

2. The present FIR came to be registered at the instance of Krishan who stated that he alongwith his friend Sukhwinder Singh, Lovely and Prince were going to the gym. When they reached near Dhaliwal Mandir, two motor cycles one being driven by Nani and Dana and another by Damru, Gopi (petitioner) and Raja came to the spot. Dana took out his pistol and fired one shot at him (complainant) and some shots were fired at Sukhwinder Singh who received injuries on his thigh and he fell down on the ground. Thereafter, the accused fled away from the spot.

3. The learned counsel for the petitioner contends that only a *lalkara* had been attributed to the petitioner. He had been granted the concession of bail by the Trial Court but had, thereafter, absconded and his bail order was cancelled. However, now he was in custody since 22.02.2023

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and two material witnesses, namely, Krishan and Sukhwinder Singh had turned hostile and had not supported the case of the prosecution. As the petitioner had undergone a substantial period of custody after he had surrendered, he was entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, contends that though the petitioner had been granted the concession of bail, he had, thereafter, absconded and surrendered only on 22.02.2023. Therefore, there was every likelihood that he would abscond again, in case, he was granted the concession of bail. He, however, concedes that two material witnesses out of the 17 prosecution witnesses had been examined and had not supported the prosecution case.

5. I have heard the learned counsel for the parties.

6. While it is true that the petitioner had absconded pursuant to the grant of bail, it is equally true that now he has been in custody since 22.02.2023, two material witnesses have been examined and have turned hostile. As many as 15 more prosecution witnesses need to be examined. Therefore, the trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Gurpreet Singh alias Gopi is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform

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in writing each time that he is not involved in any other case/crime other than the case(s) referred to in this order.

9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

December 06, 2023
sukhpreet

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No