

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-43961 of 2022 (O&M)

Date of Decision:13.02.2023

Gurpreet Singh @ Poopal

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Lupil Gupta, Advocate,
for the applicant-petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

CRM-44376 of 2022

Learned counsel for the applicant/petitioner has submitted that he has already filed his power of attorney on behalf of the petitioner after taking no objection from the earlier learned counsel. He submitted that this application was filed for preponement of the main case to withdraw the same. He submitted that although the prayer for preponement of the main case does not survive but so far as the seeking liberty to withdraw the same, the petitioner does not wish to withdraw the present petition and he has submitted that the matter may be taken up on its own merits.

Application stands disposed of.

Main case

The present second petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.150 dated 05.07.2022, under Sections 307, 336, 148, 149 IPC and Section 25, 27 of the Arms Act, registered at Police Station City Moga.

Learned counsel for the petitioner submitted that the petitioner is in custody from 05.07.2022 and the police has already completed the investigation and thereafter the report under Section 173 of the Code of Criminal Procedure has been submitted to the competent Court, although no prosecution witness has been examined till date. He submitted that it is a case where as per the allegations a quarrel had taken place in the parking of the Improvement Trust, Moga and the allegations against the petitioner were that he was the part of the unlawfull assembly and even as per the prosecution version, two other co-accused namely Sunny Data and Jassa Grewal had fired shots and so far as the present petitioner is concerned, he was only allegedly a member of the unlawful assembly and no specific role has been attriutable to the petitioner. He submitted that in view of the aforesaid position since the investigation has already been completed, the petitioner may be considered for the grant of regular bail.

On the other hand, Ms. Akshita Chauhan, learned DAG, Punjab has submitted that it is correct that the petitioner is in cusotdy from 05.07.2022 and he was the member of the unlawful assembly. She further submitted that the petitioner is also involved in one more case under the Arms Act and therefore the petitioner is not entitled for the grant of regular bail.

I have heard the learned counsel for the parties.

The petitioner has already faced incarceration from 05.07.2022 and the investigation of the case has already been completed. Even as per the allegations of the prosecution, he was a member of the unlawful assembly and the fire shots were made by the other co-accused namely Sunny Data and Jassa Grewal. So far as the pendency of another case against the petitioner, it has been so informed by learned counsel for the petitioner that the petitioner is already on bail in that case. Furthermore, it is not the case of learned State counsel that in case the petitioner is released on bail, then he may abscond from justice or influence any witness or tamper with any evidence.

In view of the aforesaid fact and circumstances, this Court deems it fit and proper to grant regular bail to the petitioner. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned, if not required in any other case.

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 the present petition.

(JASGURPREET SINGH PURI)
JUDGE

February 13, 2023

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Whether speaking : Yes/No

Whether reportable : Yes/No